

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

3 HONORABLE OTIS D. WRIGHT

4 UNITED STATES DISTRICT JUDGE PRESIDING

5 - - -

6 United States of America, )  
7 PLAINTIFF, )  
8 VS. ) NO. CR 10-351 ODW  
9 Carlos Rivera, Jessica Medina, Raul )  
Prieto, )  
10 DEFENDANT, )  
\_\_\_\_\_ )

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14 REPORTER'S TRANSCRIPT OF PROCEEDINGS

15 LOS ANGELES, CALIFORNIA

16 JURY TRIAL - DAY THREE

17 THURSDAY, DECEMBER 6, 2012

18 7:56 A.M. - VOLUME I

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1                   LOS ANGELES, CALIFORNIA; THURSDAY, DECEMBER 6, 2012

2                   7:56 A.M.

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6                   (The following proceedings were held outside the  
7                   presence of the jury:)

8                   THE COURT: Okay. We are on the record outside  
9                   the presence of the jury with all counsel present.  
10                  Mr. Prieto is not here. Mr. Rivera and Ms. Medina are  
11                  here.

12                  The sole purpose of going on the record at  
13                  this time -- yes.

14                  MR. CEPHAS: Your Honor, Mr. Prieto is here.

15                  THE COURT: He is?

16                  MR. CEPHAS: Mr. Rivera isn't here.

17                  THE COURT: Oh, I'm sorry. Okay. Mr. Prieto is  
18                  here but Mr. Rivera who is in custody is not here yet.

19                  But the sole purpose of going on the record  
20                  now is to place on the record objections that counsel may  
21                  have following our finalization of the jury instructions  
22                  last evening.

23                  All right. Mr. Walsh, I believe you had  
24                  objections to three of the proposed jury instructions,  
25                  24, 34, and 35?

1                   MR. WALSH: Yes, your Honor. The objection to 24,  
2 that was the special instruction proposed by the  
3 government defining association. We objected to it and  
4 felt that the Ninth Circuit instruction didn't define  
5 association -- excuse me -- so it was unnecessary and we  
6 objected to Number 24 as being an expansion of the  
7 standard Ninth Circuit instructions.

8                   As to Jury Instruction Number 24, I think all  
9 parties agreed yesterday to remove the sentence that drug  
10 trafficking is conduct which affects interstate commerce.  
11 And the court, I believe, agreed to strike that sentence.

12                  THE COURT: Right.

13                  MR. WALSH: On Jury Instruction Number 34, that  
14 was a special instruction dealing with the subject of  
15 RICO conspiracy. We objected to it because there was a  
16 standard Ninth Circuit instruction on conspiracy that  
17 could be used where you fill in the blanks and put in the  
18 information concerning the object of the conspiracy being  
19 a violation of RICO and that that would be preferred  
20 rather than having a tailored special instruction  
21 prepared by the government that was argumentative.

22                  And then, as to Jury Instructions 35 and 37, I  
23 believe last night we had raised an objection that -- two  
24 grounds to having a telephone count, 21 USC 843B, as a  
25 racketeering act.

7 And although there was one reference to that  
8 code section in Count 1, we feel that it wasn't properly  
9 pled in the indictment and that instructing the jury that  
10 using a telephone in order to commit a federal narcotics  
11 offense was beyond the scope of the indictment.

18                   And then, I believe the court didn't actually  
19 rule last night. So I think the court needs to advise us  
20 as to whether the court is going to instruct on that.

21 THE COURT: Yes. Those objections were  
22 specifically and expressly overruled, but I wanted you to  
23 have an opportunity to place your position on the record.

24 MR. WALSH: And then the final one was the  
25 objection to the use of the state law of extortion and

1 the request that the court use the Ninth Circuit  
2 instruction on extortion. That was an objection raised  
3 by Mr. Cephas to Instruction Number 36.

4 THE COURT: I thought you had conceded that?

5 MR. WALSH: Yes, but I didn't have a chance before  
6 we began to -- maybe if I have a moment, I will explain  
7 it to Mr. Cephas.

8 THE COURT: Okay.

9 MR. CEPHAS: Your Honor, I have no position. My  
10 client isn't charged in that offense. I had noted -- I  
11 had noticed that there were Ninth Circuit models that I  
12 thought could be used. It really applies to the other  
13 two defendants, so if counsel for the other two  
14 defendants are okay with it, then I have no position on  
15 it.

16 THE COURT: Okay.

17 MR. WALSH: All right. So your Honor is correct,  
18 we did concede it last night, so we will withdraw our  
19 objection to the government's Special Instruction  
20 Number 36.

21 THE COURT: Okay. All right. Is there anything  
22 the government wishes to add?

23 MS. EL-AMAMY: No. Just that the government has  
24 circulated the revised versions, which included the  
25 proposed instructions from the defendants that were

1 agreed to last night.

2 THE COURT: All right. And the record should also  
3 reflect that a few moments ago Mr. Rivera entered the  
4 courtroom.

5 Okay. And I think the jury is all here.

6 Is there anything else we need to talk about?

7 MS. EL-AMAMY: Not right now.

8 MR. DORE: Your Honor -- it doesn't involve you.

9 I will bring it up with Ms. English, I'm sorry.

10 (The following proceedings were held in the  
11 presence of the jury:)

12 (The witness was sworn.)

13 THE COURT: Okay. We are on the record. But the  
14 record will reflect that the jury has now entered the  
15 courtroom.

16 All right. Sir, if you will please state your  
17 name and spell your name for the record, please.

18 THE WITNESS: Steven with a V, Paris, P-A-R-I-S.

19 THE COURT: All right. Mr. Dore.

20 MR. DORE: Your Honor, before I commence the  
21 examination of Special Agent Paris, I was wondering if I  
22 could read a stipulation into the record that was from  
23 yesterday. It is unrelated to this witness, but I  
24 figured we could get it out of the way now, if that is  
25 okay.

1                   THE COURT: Please.

2                   MR. DORE: This is Exhibit 275 which was entered  
3 into evidence. The parties have stipulated that on or  
4 about April 25th, 2008, Defendant Carlos Rivera was  
5 convicted of a felony punishable by a term of  
6 imprisonment exceeding one year.

7                   THE COURT: All right. All right. Once again,  
8 ladies and gentlemen, with respect to stipulations, you  
9 are to consider the facts stated in the stipulation as  
10 having been conclusively established. That isn't  
11 something for you to determine. All right.

12

13                   DIRECT EXAMINATION

14 BY MR. DORE:

15 Q                Okay. Special Agent Paris, where are you currently  
16 employed?

17 A                United States Drug Enforcement Administration.

18 Q                And are you a special agent?

19 A                Yes, I am.

20 Q                How long have you been a special agent with the  
21 DEA?

22 A                Approximately 21 years.

23 Q                Could you please briefly describe your job  
24 responsibilities as a special agent with the DEA?

25 A                I do criminal investigations related to narcotics.

1       DEA is a single-mission agency, so there is a variety of  
2       investigations involving narcotics, whether it be money  
3       laundering, narcotics trafficking, but it is the  
4       investigation of narcotics enterprises and trafficking.

5       Q       Now, you specifically -- could you please describe  
6       your own personal experience investigating narcotics  
7       cases?

8       A       Sure. I have been a special agent for  
9       approximately 21 years. And unlike being a regular  
10      police officer, it is a single-mission agency, so the  
11      entire 21 years is involved in drug investigations. I  
12      have been involved in San Diego, Orange, and Los  
13      Angeles Counties for the last 21 years. All of my career  
14      has been in California.

15               A variety -- I work every different kind of  
16      narcotic investigation there is; cocaine, heroin,  
17      methamphetamine, marijuana, money laundering. That is  
18      what I have been doing for the last 21 years, the last,  
19      say, 18 or 19 in the Los Angeles area.

20       Q       And as a result of that experience, have you become  
21      familiar with the methods and techniques used to  
22      manufacture, distribute, and sell controlled substances?

23       A       I have.

24       Q       And are you familiar with the appearance and  
25      physical characteristics of a controlled substance?

1 A I am.

2 Q And does that include methamphetamine and heroin?

3 A Yes.

4 Q Could you please describe any additional training  
5 you may have received with respect to controlled  
6 substances?

7 A Well, I attended the DEA academy upon being hired.  
8 That is a 16-week, 4-month program during which you are  
9 taught and trained in the identification of different  
10 drugs, how, where drugs come from, production methods,  
11 drug, organized criminal groups, trafficking trends,  
12 price, purity, criminal investigation, complex  
13 conspiracies, arrest procedures, interview techniques.

14 Then, following training, I have obviously  
15 worked in the field for the last 21 years where I have  
16 been exposed to all that personally, worked those  
17 investigations on a day-to-day basis.

18 You know, when I was young, I worked with guys  
19 who were experts in the field, on-the-job training, but  
20 in addition to that, over the last 21 years, I have  
21 attended both in-service training with my agency and  
22 training provided by professional organizations such as  
23 the California Narcotic Officers Association, the  
24 International Association of Narcotic Interdiction  
25 Officers, Clandestine Laboratory Investigators

1 Association.

2 Q And mentioning before the physical characteristics  
3 of methamphetamine, what does methamphetamine look like?

4 A It could have a variety of different appearances,  
5 but most commonly it is a whitish or off-white, brown --  
6 whitish, off-whitish, brownish, sometimes brownish chunky  
7 substance. Oftentimes it can also be clear, which is  
8 what they call ice.

9 Q Now, is methamphetamine naturally occurring or is  
10 it man-made?

11 A It is man-made.

12 Q And where can someone get the ingredients to make  
13 methamphetamine, some of the ingredients?

14 A A variety of places, but most of them are commonly  
15 found -- one of the main ingredients is pseudoephedrine  
16 which is a cold tablet that can be purchased in any  
17 pharmacy, WalMart, drug store. Things like iodine can be  
18 purchased at photo labs. Muriatic acid, hydriatic acid,  
19 those are concrete cleaners. They are pool chemicals.  
20 You can get them at pool supply places. You can get them  
21 at Home Depot type places.

22 Solvents used are acetone which is sometimes  
23 in the form of nail polish remover which can be purchased  
24 anywhere, big stores, small stores, beauty supply places.  
25 You can use gun cleaning fluid. You can use brake

1       cleaners, any auto parts stores. Camping fuel.

2       Q       And you've under supervision, have you personally  
3       made methamphetamine?

4       A       I have. As part of my training, we were taught how  
5       to make methamphetamine under the instruction of the DEA  
6       chemist.

7       Q       And in your experience, do drug dealers ever do  
8       anything to impact the purity of methamphetamine?

9       A       Yes. Well, it is all commercially made, so as far  
10      as impacting -- when I say commercially made, I mean it  
11      is not from a plant. It is man-made chemicals.

12               So depending on some of the cutting agents or  
13      ingredients used, it can affect the purity. Cut  
14      materials could be added to it which would decrease the  
15      purity but allow you to have more quantity of drugs. And  
16      if methamphetamine were to be impure, certain solvents  
17      can wash away the impurities and leave you with a purer  
18      form of the drug.

19       Q       Now, are you familiar with the term personal use  
20      quantity in the context of controlled substances?

21       A       Yes.

22       Q       And what does that mean?

23       A       Personal use would be a quantity that a user might  
24      have to get himself high, not what we would consider a  
25      sales quantity.

1 Q And in your experience, what would a personal use  
2 quantity of methamphetamine be?

3 A Well, what the DEA considers a dosage unit which  
4 would be a one-time use to get high would be 1/10 of a  
5 gram.

6 Q Now, is that also true of heroin?

7 A Yes, sir.

8 Q Can you give me an example -- or give the jury an  
9 example of what 1/10 of a gram of methamphetamine or  
10 anything else would look like?

11 A Right. Well, when I talk about a gram, I would  
12 think a gram, it sounds like it is a little speck of  
13 material. But, really, a gram is what -- when you go to  
14 a coffee shop and you get a cup of coffee and the little  
15 packet of sugar. That entire packet of sugar is one  
16 gram.

17 So when you think about it in those terms, if  
18 you were to pour the sugar out, there is actually quite a  
19 bit of material there which you can separate into various  
20 amounts. So if you separated that into 10 little small  
21 amounts, that would be 1/10 of a gram.

22 Q So, effectively, one gram would equate to  
23 approximately ten dosage units of a substance?

24 A Correct.

25 Q And specifically, that would apply to

1 methamphetamine as well; correct?

2 A True.

3 Q And how many grams are in an ounce?

4 A Approximately 28 grams.

5 Q So would one ounce be approximately 280 doses of  
6 methamphetamine?

7 A That's correct.

8 Q And approximately how many ounces are in a pound?

9 A 16.

10 Q Now, how is methamphetamine typically packaged, in  
11 your experience?

12 A Well, it depends, but most commonly in small  
13 plastic Ziplock baggies.

14 Q And does it have any distinct odor?

15 A Yes, it does. It has a chemical odor.

16 Q Now, do, in your experience, drug traffickers take  
17 efforts to hide drugs when they are transporting them?

18 A Definitely.

19 Q Can you identify some of the ways that they do  
20 that?

21 A Well, methamphetamine is no different than any  
22 drug. Most of which all have some kind of distinctive  
23 odor. Nobody wants to get caught with that because they  
24 are illegal substances. So they take means to conceal  
25 those.

1                   So if you are transporting it in your car, a  
2 lot of times they use natural voids in the automobile  
3 where there is cavities in the vehicle. In some cases,  
4 they create those cavities. They can hollow out seats,  
5 they can put it in spare tires. They can conceal it in  
6 the battery compartment. Some people put it in the  
7 engine compartment so that it is not in the vehicle, it  
8 is not in the trunk. It can be hidden almost anywhere.

9                   Q       Now, with respect to cash, is it common in your  
10 experience for drug traffickers to possess large  
11 quantities of cash?

12                  A       Yes. Definitely.

13                  Q       Why is that?

14                  A       Because being an illegal substance, and an illegal  
15 sales activity, people aren't going to pay for the drug  
16 with a credit card or a check, so it is a cash business.

17                  Q       Now, you said -- well, in your experience, have you  
18 listened to wire recordings of drug conversations?

19                  A       Yes, I have.

20                  Q       And when talking about drugs, in your experience,  
21 is it common for drug dealers to use code words?

22                  A       Yes.

23                  Q       And how can someone tell typically that a code word  
24 is being used?

25                  A       Well, typically, it is something that stands out in

1 the conversation that is usually not in the regular  
2 context of what they are talking about. So they can say,  
3 hey, you know, how is it going, can we meet at the  
4 Denny's, and then all of a sudden they will throw  
5 something out that is not in the context of that  
6 conversation. You know, bring the horses, bring the ten  
7 girls, bring the shirts, and they weren't talking about  
8 shirts before or after that part of the conversation.

9 Q And is it -- in your experience, is it common for  
10 drug traffickers to carry firearms?

11 A Yes.

12 Q Why is that?

13 A Well, of course, some of them have criminal records  
14 and they don't want to be arrested, but more typically,  
15 because it is a cash business, and if things are stolen  
16 from them, such as illegal drugs or illegal monies from  
17 the drugs, they are not going to report that to the  
18 police.

19 So they are afraid that other drug dealers or  
20 other just thieves in general might rob them of their  
21 both drugs, which are worth a lot of cash, or the cash  
22 itself.

23 MR. DORE: No further questions.

24 THE COURT: Cross-examination, gentlemen?

25

2 BY MR. CEPHAS:

3 Q Good morning.

4 A Good morning.

5 Q You said you were a special agent for about  
6 25 years; is that right?

7 | A 21.

8 Q 21. And the designation you have, special agent,  
9 is that the normal designation that DEA agents have?

10 A Yes. I am a criminal investigator, but all the  
11 government agencies' title of criminal investigator is  
12 special agent.

13 Q So if you are an investigator, you are a special  
14 agent. It is not a special designation because you are a  
15 higher level of investigator for the DEA; correct?

16 A      Correct.

17 Q And in your experience as an investigator of drugs,  
18 do you find or have you found that drug users will often  
19 sell small quantities to support their own drug habits?

20 A They could. They could. But it depends. But  
21 usually a user is looking to get himself high, and he  
22 doesn't -- he is not typically a salesman because it is  
23 such a highly addictive drug that they would use their  
24 own product.

25 Q Are you saying in your experience, you have never

1 heard of --

2 A I didn't say never. I said not usually.

3 Q So you have heard of users buying some and then  
4 selling half of it so that they can go out and buy some  
5 more?

6 A Definitely possible, yes.

7 Q Not just possible, you have heard of it?

8 A Yes.

9 Q Have you reviewed reports related to this case and  
10 these defendants over here?

11 A No, I have not.

12 MR. CEPHAS: Nothing further.

13 THE WITNESS: Thank you.

14 MR. WALSH: No questions, your Honor.

15 THE COURT: Mr. Navarro?

16 MR. NAVARRO: No questions, your Honor.

17 THE COURT: All right. Any redirect?

18 MR. DORE: No redirect, your Honor.

19 THE COURT: Special Agent, you may step down.

20 Thank you.

21 THE WITNESS: Thank you.

22 MS. EL-AMAMY: The government calls David Navarro  
23 at this time.

24 (The witness was sworn.)

25 THE CLERK: Please be seated.

1                   Please state your full name for the record.

2                   THE WITNESS: David Navarro.

3

4                   DIRECT EXAMINATION

5                   BY MS. EL-AMAMY:

6                   Q        Good morning, Mr. Navarro.

7                   A        Good morning.

8                   Q        Mr. Navarro, how old are you?

9                   A        I am 33 years old.

10                  Q        Where were you born?

11                  A        In the city of Pomona, California.

12                  Q        Did you live in any other cities in Southern  
13                  California?

14                  A        Yes.

15                  Q        Where is that?

16                  A        In Ontario, California.

17                  Q        Where is Ontario in relation to where we are today?

18                  A        It is east of Los Angeles, located in  
19                  San Bernardino County.

20                  Q        About how far from here?

21                  A        Maybe 35 minutes, half an hour.

22                  Q        How long did you live in Ontario?

23                  A        All my life.

24                  Q        Did you go to school there?

25                  A        Yes.

1 Q Where did you go?

2 A To Bon View Elementary, De Anza Junior High, and  
3 Ontario and Montclair High School.

4 Q Did you graduate?

5 A Yes.

6 Q What year?

7 A 1997.

8 Q Mr. Navarro, have you heard of a gang called the  
9 Black Angels gang?

10 A Yes.

11 Q Are you a member of that gang?

12 A I used to be.

13 Q When did you stop being a member of that gang?

14 A The day I decided to cooperate.

15 Q What does cooperate mean?

16 A Tell everything that I know about my gang lifestyle  
17 and the gang lifestyle of the gang.

18 Q When did you start cooperating with law  
19 enforcement? Is that what you mean?

20 A Yes.

21 Q What year did you start?

22 A In 2010.

23 Q When did you join the gang?

24 A When I was about 14 years old.

25 Q What year was that, do you remember?

1 A Maybe around '93, '94.

2 Q How did you hear about the gang?

3 A I grew up in the neighborhood where the gang is  
4 located, and any older people and some of the people I  
5 hung around with were members of the gang.

6 Q You said you grew up in the neighborhood, what does  
7 that mean?

8 A Grew up in the territory of the gang.

9 Q How did you know the gang had a territory? You  
10 were 14 years old, what did you know about the gang?

11 A That they used to terrorize the neighborhood,  
12 graffiti.

13 Q You knew that at 14 years old?

14 A Yes.

15 Q How did you know that?

16 A From what they used to talk about at school and  
17 from things that I have seen.

18 Q So when you say that you were 14 years old people  
19 would talk about it at school, who was talking about it  
20 at school?

21 A Other people I used to go to school with.

22 Q Other 14-year-olds?

23 A Yes.

24 Q How did they know about the gang?

25 A Family members or they were already members

1 themselves.

2 Q Did you have family members in the gang?

3 A Yes, at one point.

4 Q Who was that?

5 A My older brother.

6 Q Is he in the gang now?

7 A No.

8 Q So you said that you would hear about them at  
9 school. Is there any other way that you would know about  
10 the gang?

11 A Well, I would see them walking around. I would see  
12 them at the local park hanging out. I could see their  
13 tattoos or they would wear gang paraphernalia.

14 Q How would you know that they were members of  
15 something called the Black Angels gang?

16 A They had tattoos that read Black Angels.

17 Q Anything else?

18 A Ontario.

19 Q How did you know what that meant?

20 A Just from growing up in the neighborhood.

21 Q As a 14-year-old, what was it that you thought that  
22 the gang did?

23 A At the time, I had knowledge, not as much knowledge  
24 as I have now, but I had knowledge that the gang used to  
25 do criminal activities.

1 Q Such as? As a 14-year-old, what did you know that  
2 the gang did in terms of criminal activity?

3 A Sell drugs, use drugs, terrorize people.

4 Q I'm sorry, how could you know at 14 that the gang  
5 sold drugs?

6 A From seeing it.

7 Q Where would you see it?

8 A At the local park.

9 Q So you were 14, you were at the local park, and you  
10 saw gang members selling drugs?

11 A Yes.

12 Q Where were you in relation to these gang members?

13 A Where was I?

14 Q Yeah. How did you see them? Why were they doing  
15 it in front of you?

16 A They would just do it in the open.

17 Q They weren't hiding it?

18 A No, not from us, not from me and the guys I was  
19 there with.

20 Q Were there any females there?

21 A I can't remember.

22 Q Now, you said a couple of times that the gang  
23 terrorized. What are you talking about?

24 A Showed their -- showed their force.

25 Q At 14, when you are saying that they showed their

1 force, what does that mean?

2 A Asking any other people that they know that were in  
3 the area, asking them where they are from, making sure  
4 they are not rival gang members.

5 Q At 14, how did you know that there was a rival gang  
6 member?

7 A By knowing the knowledge of people I went to school  
8 with and seeing it.

9 Q What did you see specifically?

10 A Fights of rival gang members.

11 Q What kind of fights?

12 A Fistfights.

13 Q Where?

14 A At the liquor store, at the park a couple of times.

15 Q Why were you at the liquor store?

16 A Just going to buy regular, you know, just candy or  
17 soda and chips.

18 Q So you are a kid, you go to the liquor store to buy  
19 candy and you see rival gang members fighting?

20 A I see a gang member ask another gang member what  
21 gang he belongs to.

22 Q You would just see this out in the open?

23 A Oh, I have seen it. Not an every day thing, but I  
24 was able to witness it a couple of times.

25 Q So only a couple of times as a kid?

1 A Yes.

2 Q So drug dealing and getting in fights with rival  
3 gang members. Anything else you knew about the gang at  
4 the age of 14 when you wanted to join?

5 A When I wanted to join, before I joined --

6 Q Right.

7 A -- just it was a group of individuals that used to  
8 do criminal acts.

9 Q Why did you want to be a member of something like  
10 this?

11 A Because I used to see, you know, I used to see them  
12 tattooed, dressed up nice, hanging out with good-looking  
13 girls, and that was something that attracted me.

14 Q Any other reasons?

15 A Yes. When I was younger, my sister had gotten  
16 killed in a gang-related shooting, and the guys that got  
17 convicted of killing her were gang members and they were  
18 caught, convicted, and sentenced to life in prison.

19 So I always thought, you know, if I joined a  
20 gang and I ever happened to land in jail or happened to  
21 land in the same jail where these individuals were at, by  
22 belonging to a gang, I would have more of an ability to  
23 be able to do something to them.

24 Q Why would you think this at 14?

25 A Because it was something that -- it was -- the gang

1 was -- the gang was a gang that I now. The Black Angels  
2 was a gang that I knew had a, you know, a lot of juice,  
3 and a lot of power.

4 Q What does juice mean?

5 A Power.

6 Q What do you mean by power?

7 A Just be able to do things and get away with them.

8 Q Did you know about how the gang was structured  
9 before you joined?

10 A Yes.

11 Q What did you know about the gang structure?

12 A There was three different ranks.

13 Q How did you know that?

14 A From seeing the tattoos, on guys' tattoos, and  
15 seeing it, graffiti on the wall, and hearing about it.

16 Q What did you know about the structure?

17 A That there was three different structures.

18 Q What were those structures?

19 A OVS, junior Black Angels, and Black Angels.

20 Q What did you know about why they had those  
21 structures before you joined the gang?

22 A I didn't -- I had some knowledge but not too much  
23 knowledge of exactly what different structures was.

24 Q When you joined the gang, did you know if you were  
25 going to be entering one category versus another?

1 A Yes.

2 Q How did you know that?

3 A I was told.

4 Q By who?

5 A By other gang members.

6 Q What were you told?

7 A That if I wanted to join the gang, I would first  
8 start off as OVS gang member.

9 Q And did they tell you how you could join?

10 A Yes.

11 Q How was that? Like, how could you join? What did  
12 they say?

13 A Hangout, be known, commit crimes, and get jumped  
14 into.

15 Q Who told you that, specifically?

16 A I don't remember specifically who told me.

17 Q Was it more than one person or just one person?

18 A More than one person.

19 Q Prior to joining the gang, did you know how long  
20 the gang had been around?

21 A No.

22 Q Do you know that now?

23 A Yes.

24 Q How long has it been around?

25 A Since the '60s.

1 Q How do you know that?  
2 A From talking to older guys that are from the gang.  
3 Q Did you get jumped into the gang?  
4 A Yes.  
5 Q What is jumping in?  
6 A Getting beaten.  
7 Q For how long?  
8 A Usually, it is 13 seconds, if not more.  
9 Q Who jumped you in?  
10 A Three other gang members.  
11 Q Who were they?  
12 A It was Chino, Little Sinister, and Bowzer.  
13 Q Do you know their real names?  
14 A Yes.  
15 Q What are their real names?  
16 A Little Sinister is Salvador Perez. Chino is  
17 Eric Reynoso and Bowzer is -- I don't know his last name,  
18 but his first name is Tony.  
19 Q Do you know someone else who goes by the name  
20 Chino?  
21 A Yes.  
22 Q Who is that?  
23 A I know two other guys I know by the name Chino.  
24 Q And what are their names?  
25 A One of them's name is David and the other one is

1 Carlos Rivera.

2 Q When you are talking about the person who jumped  
3 you in, it is not Carlos Rivera?

4 A No.

5 Q Why are you jumped in? What is the purpose of  
6 getting beaten?

7 A To show some kind of braveness.

8 Q Why is that important?

9 A Because if you are going to become a gang member  
10 from the gang and you happen to be in a predicament or  
11 you run into any rival gang members, you have to show  
12 some kind of braveness that you are willing to fight.

13 Q Have you ever jumped anyone in?

14 A Yes.

15 Q How many times?

16 A Plenty of times.

17 Q Can you name some people who you jumped in?

18 A Yes. Wacko, Little Limpy, Clever, and  
19 Little Clever, and Little Spooky.

20 Q And those people have -- those aren't their real  
21 names, are they?

22 A No.

23 Q Why do you keep referring to people by nicknames?

24 A Because that is the nickname that -- that is the  
25 name that they used to go by in the gang.

1 Q Why do gang members have nicknames?

2 A So they don't go by their real name.

3 Q Why?

4 A So they are not detected by law enforcement.

5 Q How do they get a nickname?

6 A Usually, it is by a way that they look, maybe a way  
7 that they talk.

8 Q Do you have a nickname?

9 A Yes.

10 Q What is your nickname?

11 A It used to be Plucky.

12 Q What do you mean it used to be?

13 A I don't go by Plucky no more.

14 Q How did you get that nickname?

15 A A long time ago before I was even a gang member, my  
16 brother used to tease me and call me Plucky because there  
17 is a character out of the Tiny Toons cartoons that goes  
18 by Plucky and he is a duck, and my brother used to tease  
19 me because he used to say that I have big lips, and since  
20 a duck has a beak, he used to tease me and call me that  
21 name.

22 Q So how did that become your gang nickname?

23 A Well, it started off as him teasing me with that  
24 name, and other people knowing that he used to tease me  
25 by that name and it just stuck.

1 Q Now, you say that you use nicknames so that you are  
2 not detected by law enforcement, what do you mean by  
3 that?

4 A Well, just you have a nickname, and if you happen  
5 to graffiti your nickname with the gang on the walls, law  
6 enforcement doesn't know that you go by that nickname so  
7 you are not able to be known or you are not able to --  
8 they are not able to know who did the graffiti.

9 Q Do you use your nicknames on the phone?

10 A Yes.

11 Q Why do you do that?

12 A To avoid detection from law enforcement.

13 Q How would they detect you on the phone?

14 A In case they have a wiretap and they are listening  
15 to your phone calls.

16 Q When did you first learn about wiretaps?

17 A Years back.

18 Q Like, how old?

19 A Maybe early 20s.

20 Q How did you learn about them?

21 A By hearing other people being caught and arrested  
22 for talking about crimes or talking about things on the  
23 phone.

24 Q Other people meaning who?

25 A Other guys that were -- guys that were -- had been

1 in jail or were in jail.

2 Q Did members of the gang talk about being  
3 wiretapped, members of the Black Angels gang?

4 A Yes.

5 Q When?

6 A Around that time.

7 Q Around what time?

8 A Around when I was -- when I first heard about it  
9 when I was in my early 20's.

10 Q Where were you when you guys were talking about  
11 wiretaps?

12 A With the Black Angels?

13 Q Yes.

14 A Out in the streets.

15 Q Out in the streets where?

16 A Out in the city of Ontario.

17 Q Why were you talking about wiretaps?

18 A Because at that time everybody thought that the  
19 feds were watching the Black Angels.

20 Q When you were in your 20s?

21 A Yes.

22 Q What are the feds?

23 A The FBI.

24 Q Why did you think that the FBI or why did members  
25 of the gang think that the FBI was watching the gang?

1 A That was just a rumor that was going around. A lot  
2 was going on at that time in the city within the gang and  
3 a lot of indictments were happening to other gangs and we  
4 were hearing about them.

5 Q Who in the gang talked to you about the FBI?

6 A At one time, it was Johnny Alcana.

7 Q Was he an older gang member?

8 A Yes.

9 Q Anybody else?

10 A Limpy.

11 Q Who is he?

12 A Manual Vega.

13 Q Was he an older gang member as well?

14 A Not an older gang member, but a gang member.

15 Q Prior to starting out in the gang, did you commit  
16 crimes?

17 A Yes.

18 Q Before you were a gang member?

19 A Oh, before, no.

20 Q When you became a gang member, did you commit  
21 crimes?

22 A Yes.

23 Q What kind of crimes did you do when you were an OVS  
24 gang member?

25 A Graffiti on the walls, intimidation and beatings of

1 other people.

2 Q Who did you beat?

3 A Rival gang members.

4 Q Which rivals?

5 A Different rival gangs.

6 Q Were you ordered to do these beatings or did you  
7 just do it yourself?

8 A Well, it was something that was known that we had  
9 to do as part of being a gang member.

10 Q How did you learn that you had to do beatings as a  
11 gang member?

12 A At the gang meetings.

13 Q What gang meetings?

14 A The gang meetings that were held by the gang.

15 Q How often did you have meetings?

16 A Usually every week, if not every two weeks or so.

17 Q Where were the meetings at?

18 A Different places.

19 Q What did you talk about at the meetings?

20 A Gang business.

21 Q What do you mean by gang business?

22 A Just business as far as if there is any rival gang  
23 members living within the city or in the neighborhood or  
24 anybody that was drug dealing that could be somebody  
25 potential for extorting.

1 Q When -- what do you mean by extorting?

2 A Getting money from drug dealers.

3 Q And when did you learn that that was something that  
4 the gang did?

5 A When I was OVS gang member.

6 Q How did you learn about it?

7 A At the gang meetings.

8 Q So what did they say specifically about extorting  
9 drug dealers that you learned about as an OVS gang  
10 member?

11 A Just if there was any drug dealers in the city that  
12 we knew about, to let it be known so they can go and  
13 extort them.

14 Q Who can go and extort them?

15 A The Black Angels.

16 Q Did you let them know who was selling drugs when  
17 you were an OVS member?

18 A No.

19 Q How come?

20 A Just didn't take too much interest in it.

21 Q Did you later?

22 A Yes.

23 Q At some point, were you overseeing all of the  
24 extortion in Ontario?

25 A Yes.

1 Q All right. Now, let me go back to tagging for a  
2 minute. If I can ask the CRD if she doesn't mind -- and  
3 there is going to be a lot of exhibits, I apologize. If  
4 we can first draw your attention to Exhibit 203.

5 Have you seen this picture before?

6 A Yes.

7 Q What is this a picture of?

8 A A picture of gang graffiti.

9 Q Do you know who wrote that gang graffiti?

10 A Yes.

11 Q Who did?

12 A I did.

13 Q When?

14 A I don't remember the exact date, but a couple of  
15 years back.

16 Q A couple of years back from today?

17 A Yes.

18 Q So 2010 or?

19 A No, wait. Maybe, I don't know, early, mid-2000.

20 MS. EL-AMAMY: Okay. I move to admit  
21 Government's Exhibit 203.

22 THE COURT: Any objection?

23 MR. NAVARRO: No objection, your Honor.

24 THE COURT: It will be received.

25 Q BY MS. EL-AMAMY: Now, where did you write this

1 graffiti?

2 A I don't remember the exact location.

3 Q About how big is this wall that you wrote this  
4 graffiti on?

5 A It looks pretty big.

6 Q Why did you do it?

7 A To show that the wall that -- the location where  
8 the wall was located at was gang territory.

9 Q What does the graffiti say?

10 A Onta BAs Chino snuffs.

11 Q What does Onta mean?

12 A It is an abbreviation for Ontario.

13 Q What about BA?

14 A BA stands for Black Angels.

15 Q Now, I don't see your name on this graffiti, why?

16 A Because I didn't want law enforcement to know that  
17 I did the gang graffiti.

18 Q So why did you put two other gang members' names up  
19 there?

20 A Those two individuals were incarcerated at the  
21 time.

22 Q Now, I see Chino there. Do you know which Chino  
23 you are referring to?

24 A Yes.

25 Q Which Chino is that?

1 A Eric Reynoso.

2 Q Again, not Carlos Rivera?

3 A No.

4 Q And who is Snuffs?

5 A Forgot his real name.

6 Q But you know they weren't going to get in trouble  
7 for this either?

8 A Yes.

9 Q Why was it important to you that they not get in  
10 trouble?

11 A Well, if I am not willing to get in trouble for it,  
12 it would be wrong if I would want them to get in trouble  
13 for it.

14 Q Are there rules that the gang has?

15 A Yes.

16 Q How do you know that they have rules?

17 A From attending gang meetings.

18 Q What are those rules?

19 A There is a lot of them.

20 Q Can you tell the jury what they are?

21 A First, you can't be -- you can't be gay. You can't  
22 snitch. You have to always participate in gang criminal  
23 acts.

24 Q Any others?

25 A Those are basic -- basic ones.

1 Q Why is it one of the rules that you always have to  
2 engage in criminal acts?

3 A To show the force that the gang has and intimidate  
4 people or other gangs.

5 Q Why is that important?

6 A To show them that we have power.

7 Q Who cares?

8 A We do.

9 Q Why?

10 A Because it shows that we have power, and it shows  
11 that we are able and willing to commit whatever crime is  
12 needed.

13 Q Is your territory important to you, or was your  
14 territory important to you?

15 A Yes.

16 Q Why?

17 A Because it was a territory that the gang belonged  
18 to.

19 Q Does the gang get money from claiming a territory?

20 A Not just from claiming it, no.

21 Q How does the gang get money?

22 A Dues that are paid at the gang meetings.

23 Q What about taxes?

24 A Yes.

25 Q If you lost your territory, would the gang be able

1 to collect taxes?

2 A If you are authorized to -- in another city, yes.

3 Q But if you lost your territory, would you be able  
4 to tax the drug dealers in there?

5 A No.

6 Q Now, let me please direct your attention to  
7 Exhibit 205.

8 Have you seen this picture before?

9 A Yes.

10 Q What is this a picture of?

11 A Gang graffiti.

12 Q Do you know who wrote the gang graffiti?

13 A Yes.

14 Q Who did?

15 A I did.

16 Q Anybody else?

17 A Me and Little Sinister.

18 Q Who is Little Sinister?

19 A Salvador Perez.

20 Q When did you write the gang graffiti?

21 A This was around 2000, 2001, maybe.

22 Q Were you still OVS at the time?

23 A No.

24 MS. EL-AMAMY: Now, may I move to admit  
25 Government's Exhibit 205?

1 MR. CEPHAS: No objection.

2 THE COURT: It is admitted.

3 Q BY MS. EL-AMAMY: What does this graffiti say?

4 A Southside Ontario, 013, Southside OANS, Fucking  
5 Limps, Sinister, Plucks, Chino, Sur Ontario.

6 Q Why did you write this graffiti?

7 A I had crossed out a rival gang that had wrote on  
8 the wall.

9 Q What was the rival gang?

10 A Compton Varrio Tortilla Flats.

11 Q Why were they writing on your wall?

12 A At the time, they were living in the neighborhood,  
13 and to show some kind of disrespect, they wrote on the  
14 walls.

15 Q What does SS Ontario mean?

16 A Southside Ontario.

17 Q What's Southside?

18 A The location of the city where the gang is located  
19 at.

20 Q If someone claims Southside OVS, what does that  
21 mean?

22 A It would either be Southside Ontario or OVS.

23 Q So it would never be Southside OVS?

24 A No.

25 Q What is 013?

1 A Ontario 13.

2 Q Why is 13 important?

3 A Because it is the thirteenth letter of the  
4 alphabet, which is the M.

5 Q Why is that significant?

6 A It is showing allegiance to the Mexican Mafia.

7 Q When did you learn, at what age did you learn that  
8 the gang was aligned with something called the  
9 Mexican Mafia?

10 A Around the time when I joined the gang.

11 Q What is the Mexican Mafia?

12 A Prison criminal organization, prison gang.

13 Q What is their relationship to the gang?

14 A They are, you can say, to an extent, they are our  
15 superiors.

16 Q What do they do for you?

17 A For us? What do they do for us? Nothing really.

18 Q Then why are you aligned with them?

19 A Well, they show protection, but as far as anything  
20 else, no.

21 Q What do you mean by protection?

22 A Protection of the gang in the prison system or  
23 federal system.

24 Q Why is that important?

25 A Because there's other gangs of other races in

1 prison.

2 Q Does the gang give anything to the Mexican Mafia?

3 A Yes.

4 Q What do you give?

5 A Extortion proceeds.

6 Q Why do you do this?

7 A To show respect and to show allegiance to the  
8 Mexican Mafia.

9 Q Is it required?

10 A Yes.

11 Q Can someone be a member of the gang -- you said  
12 that there's rules. Can someone be a member of the gang,  
13 OVS Black Angels, junior Black Angels, and say, you know  
14 what, I am not a part, I don't want to be aligned with  
15 the Mexican Mafia, that is not my deal?

16 A You mean, become a member?

17 Q Sure, just -- yeah, become a member, but just say I  
18 don't want to be aligned with the Mexican Mafia?

19 A No.

20 Q Why?

21 A Because that is something that the gang is  
22 associated and shows allegiance to.

23 Q What would happen if you say, if you have a gang  
24 member just saying, you know what, I am going to do my  
25 own thing and I don't want to pay anything to the

1 Mexican Mafia, I don't want anything to do with that?

2 MR. CEPHAS: Objection. Speculation. Relevance.

3 THE COURT: Overruled.

4 Q BY MS. EL-AMAMY: What would happen?

5 A You could probably be killed.

6 Q Does every member of the gang interact directly  
7 with a Mexican Mafia member?

8 A No.

9 Q Why is that?

10 A Because the Mexican Mafia members choose -- usually  
11 choose certain individuals that they deal with.

12 Q Why?

13 A But they will talk -- they will talk to anybody and  
14 everybody, but as far as any gang business, they only  
15 choose certain individuals.

16 Q Why do they only choose certain individuals?

17 A In this case, usually they would choose only  
18 Black Angels or maybe even junior Black Angels.

19 Q Were -- at some point in 2009, were you in regular  
20 communication with the Mexican Mafia?

21 A Yes.

22 Q To your knowledge, was everybody else in the gang  
23 in regular contact with Mexican Mafia members?

24 A No, not everybody.

25 Q Why were you special?

1 A Because I was -- at the time, I was the leader of  
2 the gang.

3 Q Did other members of the gang tell you things to  
4 tell to the leader of the Mexican Mafia?

5 A Yes.

6 Q What kind of things were you told to tell the  
7 Mexican Mafia member?

8 A Anything that had to do with gang business and the  
9 prisons or even anything that had to do with gang  
10 business in the streets.

11 Q Did you -- so you started out as an OVS gang  
12 member, did you rise to become a junior Black Angel gang  
13 member at some point?

14 A Yes.

15 Q When was that?

16 A In '98.

17 Q How did you rise to become a junior Black Angel  
18 gang member?

19 A I did a shooting.

20 Q Who did you shoot?

21 A I shot at rival gang members.

22 Q Why did you do this?

23 A To show that I have potential to become a junior  
24 Black Angel.

25 Q Who told you to do the shooting, if anybody?

1 A At the time, all that time was Drew, the one that  
2 told me to do the shooting.

3 Q Who is Drew?

4 A Zacharia Ortega.

5 Q Did you kill anybody?

6 A To my knowledge, no.

7 Q Did you -- so what happened? Describe the  
8 incident.

9 A There was rival gang members hanging out at a house  
10 located in their area. One of the gang members from the  
11 Black Angels happened to drive by and see them hanging  
12 out, out there. And at the time we were hanging out at a  
13 house and he came back and let us know that they were  
14 hanging out, out in the front of their house, and we  
15 armed ourselves and went to go shoot at him.

16 Q What do you mean by you armed yourself? Where did  
17 you get the guns?

18 A We had the guns there with us.

19 Q Who was we?

20 A There was a whole bunch of us. I can't remember  
21 exactly everybody.

22 Q So did you have to go out and buy guns for the  
23 shooting?

24 A Just for the shooting, no.

25 Q How did you already have -- why did you guys

1 already have guns ready?

2 A We were carrying them already.

3 Q Does the Black Angels gang maintain a supply of  
4 firearms, at least at that point?

5 A Yes.

6 Q About how many guns did the gang have?

7 A At that point?

8 Q Yes.

9 A I don't remember exact count of the guns, but we  
10 have always maintained a certain amount, a good amount of  
11 firearms.

12 Q Why do you do that?

13 A To have the guns handy, to be able to go and  
14 enforce or commit crimes with them.

15 Q What do you mean by enforce?

16 A Take care of any gang business.

17 Q Such as taxing?

18 A That is one of them.

19 Q What else?

20 A Shooting rival gang members.

21 Q What about robberies?

22 A Robberies also.

23 Q Can anyone in the gang get a gun from the gang?

24 A Yes.

25 Q How does that work?

1 A Well, from paying dues at every gang meeting, we  
2 obtain the firearms, so, therefore, when we obtain the  
3 firearms, they don't belong to a certain individual, they  
4 belong to the whole gang.

5 Q Where are they kept?

6 A At different times, different places, different  
7 individuals will store them or have them with them.

8 Q If I am in the gang and I need a gun, how do I get  
9 one?

10 A Get ahold of somebody and ask where you can -- get  
11 ahold of another gang member and ask where you can obtain  
12 one.

13 Q In 2009, did the gang have a supply of guns?

14 A Yes.

15 Q How many guns did you guys have?

16 A Roughly anywhere from about six to ten.

17 Q What kind of guns did you have?

18 A 22's, 9 millimeter guns, 45's, SKS's.

19 Q Why did you have the guns in 2009?

20 A It was just something that the gang always has.

21 Q How did you get the guns in 2009?

22 A Buying them.

23 Q From where?

24 A From other gang members, from other gangs or from  
25 other people that we knew.

1 Q Were you ever charged with that shooting that you  
2 did?

3 A The shooting that I spoke about?

4 Q Yes.

5 A No.

6 Q So you got away with it?

7 A Yes.

8 Q Have you ever been charged with anything violent?

9 A Yes.

10 Q What have you been charged with?

11 A Assault with a firearm on a person.

12 Q When was that?

13 A I believe in 2000.

14 Q What happened? What did you do to get charged with  
15 that?

16 A We went to go shoot at rival gang members.

17 Q Who did you go with?

18 A Moony.

19 Q Who is Moony?

20 A Frank Medina.

21 Q What rival gang member did you shoot at?

22 A The Compton Varrio Tortilla Flats gang.

23 Q Was that the one that you talked about in this  
24 picture?

25 A Yes.

1 Q What year did you do the shooting?

2 A In 2000, I believe.

3 Q Talk about what you did. How did you locate them?

4 What did you do?

5 A Well, they were showing disrespect by graffitiing  
6 on the walls located in our gang territory, and we found  
7 out where they were staying at or where they lived at and  
8 hung out at. And the same day that we found out where  
9 they were hanging out at, me and Money went over there to  
10 go shoot at them.

11 Q What kind of guns did you use?

12 A 22.

13 Q Where did you get the gun?

14 A It was a gun that belonged to the gang.

15 Q Who was keeping it at the time?

16 A At the time, Salvador Perez.

17 Q Did you hit anyone?

18 A To my knowledge, no.

19 Q How did you get caught?

20 A From what I know, the individuals that we had shot  
21 at knew who we were and one of the guys' girlfriends knew  
22 who we were or knew who I was, so when the cops arrived  
23 at the location, they let them know who was the people  
24 that shot at them.

25 Q So you got convicted?

1 A Yes.

2 Q Did you serve any time?

3 A Yes.

4 Q How much time?

5 A At that time, it was county time. And then  
6 eventually, I got a four-year joint suspension for it.

7 Q Were you a convicted felon at that point, after you  
8 got convicted?

9 A I don't remember if --

10 Q It was a felony?

11 A I don't remember if the crimes that I had committed  
12 at that point were felonies or misdemeanors.

13 Q Are you a convicted felon?

14 A Yes.

15 Q Now, you talked about having guns in connection  
16 with gang activity. At some point, did you know you  
17 weren't supposed to have guns?

18 A Yes.

19 Q Did you do it any way?

20 A Yes.

21 Q What is probation?

22 A Probation is terms and conditions that you get  
23 after you are convicted of a crime.

24 Q What kind of terms and conditions do you typically  
25 get?

1 A There is a lot of them, but some of them are you  
2 can't possess a firearm. If you are a gang member and  
3 you have gang terms, you can't associate with other gang  
4 members, and basically, you can't break the law.

5 Q What is parole?

6 A Parole is gang -- terms and conditions that you get  
7 when you come out of -- or you are released from state  
8 prison.

9 Q Have you been on either probation or parole in your  
10 life?

11 A Yes.

12 Q How many times?

13 A Probation once, and parole once.

14 Q Approximately what span of years were you on  
15 probation or parole?

16 A I'd say on probation maybe from '99 -- I don't  
17 recall the exact years, but somewhere around '99 up to  
18 when I caught my controlling case that I served state  
19 time for.

20 Q What does that mean, you caught your controlling  
21 case?

22 A Yes.

23 Q What is that?

24 A The crime that I committed to catch the state time.

25 Q Did you violate probation?

1 A Yes.

2 Q How often?

3 A I believe twice.

4 Q What about parole?

5 A Yes, I have been on parole.

6 Q And you violated parole?

7 A Yes.

8 Q What kind of things did you do to violate probation  
9 and parole?

10 A Probation I violated by committing the crime that I  
11 got arrested for, and parole I violated by associating  
12 with other gang members.

13 Q Were you associating with other gang members pretty  
14 much the entire time you were on probation and parole?

15 A Yes.

16 Q Now, was part of your condition not to use drugs?

17 A Yes.

18 Q Did you use drugs?

19 A Yes.

20 Q What kind of drugs have you used in your life?

21 A In my life or?

22 Q In your life.

23 A I have used meth, marijuana, and alcohol.

24 Q How often have you used meth?

25 A About two or three times in my life.

1 Q Why only two or three times?

2 A I didn't like the drug.

3 Q What about alcohol, how often did you drink  
4 while -- prior to 2010?

5 A I wasn't a regular drinker. Don't really like it,  
6 but I would say maybe 10 times.

7 Q What about marijuana?

8 A Yes. I smoked marijuana every day.

9 Q Sometimes more than once?

10 A More than once a day?

11 Q Yes.

12 A Yes.

13 Q What was the most you smoked weed in a day?

14 A I don't know. Maybe six to ten joints.

15 Q So starting when did you start using marijuana?

16 A Ever since I was in high school.

17 Q All the way up until?

18 A All the way up until I was incarcerated.

19 Q When, in this --

20 A For this case, yes.

21 Q 2010?

22 A Yes.

23 Q Are you on drugs today?

24 A No.

25 Q Have you drank while you have been in custody?

1 A No.

2 Q Do you use drugs?

3 A I guess.

4 Q While in custody?

5 A Yes.

6 Q What did you use?

7 A Marijuana.

8 Q When did you use marijuana -- in custody in this  
9 case?

10 A Yes.

11 Q When did you use marijuana?

12 A At the beginning of the incarceration.

13 Q Where did you get it from?

14 A I had brought it in when I got incarcerated.

15 Q How did you bring it in?

16 A I hid it on myself.

17 Q Have you used drugs since you have been what you  
18 term cooperating?

19 A No.

20 Q Have you ever sold drugs in your life?

21 A Yes.

22 Q When did you sell drugs?

23 A Back in the early 2000s.

24 Q What did you sell?

25 A Marijuana.

1 Q Who did you sell it for, if anybody?  
2 A I sold it for Juan Gil.  
3 Q Who is Juan Gil?  
4 A Another gang member of the Black Angels.  
5 Q How did you start selling for him?  
6 A He had approached me and asked me if I wanted to  
7 sell marijuana for him, and I told him yes.  
8 Q Why did you agree?  
9 A Because I smoked it myself, and I knew a lot of  
10 people that smoked it.  
11 Q How much did you sell for Juan Gil?  
12 A It was a pound of marijuana.  
13 Q And you stopped after that?  
14 A Yes.  
15 Q Did you have sell any other drugs?  
16 A Yes.  
17 Q What did you sell?  
18 A Methamphetamine.  
19 Q When?  
20 A In 2009, beginning of 2010.  
21 Q Who did you sell with?  
22 A Who did I sell with?  
23 Q Yeah.  
24 A Or who did I sell for?  
25 Q Who did you sell for, then?

1 A I sold for Armando Barajas.

2 Q Who is Armando Barajas?

3 A Another Black Angels gang member.

4 Q What is his status in the gang?

5 A He is also a Mexican Mafia member.

6 Q Was he in charge of the gang at that time?

7 A Yes.

8 Q How much were you selling for Armando Barajas?

9 A It wasn't a -- it wasn't a steady amount, but maybe  
10 total, maybe a pound of meth.

11 Q How regularly were you selling?

12 A Weekly.

13 Q How much a week?

14 A Couple of ounces.

15 Q So, what is an ounce?

16 A A quantity, a weight of the drug.

17 Q About how many grams is that?

18 A I believe an ounce is 28 grams.

19 Q All right. And would you sell ounce quantities?

20 A Yes.

21 Q How much would you sell your ounce for?

22 A 1400.

23 Q Who would you sell it to?

24 A A couple of other individuals.

25 Q Did you have other words that you would use for

1 ounce?

2 A For ounce.

3 Q Yeah. Like, is there other ways to say ounce?

4 A Like?

5 Q Like drug terms that you would use or would you  
6 just say an ounce?

7 A You could call -- there is different codes or  
8 even -- that are known or even codes that you can make  
9 up.

10 Q What were some of the codes that you used or made  
11 up or heard?

12 MR. CEPHAS: Objection, your Honor. Due process,  
13 violation of Rule 16. They are seeking to bring in  
14 expert testimony through this witness.

15 THE COURT: Overruled.

16 Q BY MS. EL-AMAMY: What were some of the words you  
17 personally used?

18 A I used -- one of them dings. That is about it.

19 Q Did you sell smaller quantities?

20 A Yes.

21 Q What were some of the smaller quantities that you  
22 sold?

23 A A quarter ounce.

24 Q How much would you sell a quarter ounce for?

25 A Different amounts at different times.

1 Q What were some of the prices?  
2 A Ranging anywhere from 300 to \$400.  
3 Q Did you use any words to describe quarter ounce?  
4 A QO.  
5 Q A what?  
6 A A QO.  
7 Q Why would you say that? A QO?  
8 A A QO, yes.  
9 Q Anything else?  
10 A That is really it.  
11 Q Okay. Why would it range in price?  
12 A Depending on the quality of the drug.  
13 Q What do you mean by quality?  
14 A The potency, how good the drug is, how pure it is.  
15 Q For methamphetamine, what makes the drug better or  
16 worse?  
17 A What makes it better?  
18 Q Right. Why would some methamphetamine be higher  
19 versus lower?  
20 A Some could be pure methamphetamine and others can  
21 have cut in the meth.  
22 Q Have you or other people you sold drugs with used  
23 the term stepped on?  
24 A Yes.  
25 Q What does that mean?

1 A Cut.

2 Q What do you mean by cut?

3 A Adding other ingredients to make more quantity of  
4 the drug.

5 Q Have you sold smaller quantities of drugs than a  
6 quarter ounce?

7 A Yes.

8 Q Like what?

9 A An eight ball.

10 Q What is an eight ball?

11 A Seven grams of meth.

12 Q In terms of an ounce, what quantity is that?

13 A In terms of an ounce, less than a quarter ounce.

14 Half of a quarter ounce of an ounce.

15 Q What price would you sell that for?

16 A Different prices.

17 Q Like what?

18 A Anywhere from 150 to \$200.

19 Q Why do you say eight ball, why did you use the word  
20 ball?

21 A It is just a street term that is used.

22 Q Where did you first hear the word eight ball?

23 A I don't remember when I first heard it.

24 Q How much money did you make selling drugs?

25 A Not too much.

1 Q Did you give any of the money to Armando Barajas?

2 A Yes.

3 Q Why did you do that?

4 A He is the one that supplied me with the drugs to  
5 sell in the first place.

6 Q Now, you talked about taxing, and you were in  
7 charge of taxing. Can people sell drugs in Ontario and  
8 just not pay taxes?

9 A They can if we don't know about them.

10 Q Who is we?

11 A The gang, the Black Angels.

12 Q What happens if you find out about them?

13 A We go and approach them and tell them that they  
14 have to pay extortion money to the gang.

15 Q How do you approach them?

16 A Go and talk to them.

17 Q Do you bring guns?

18 A Sometimes.

19 Q Do you show them your guns?

20 A No.

21 Q Have you ever personally approached drug dealers to  
22 say you got to pay taxes?

23 A Yes.

24 Q Did you go alone or did you go with other gang  
25 members?

1 A Sometimes alone, sometimes other gang members.

2 Q Now, can members of the gang like you used to be,  
3 can they sell drugs in Ontario without paying taxes?

4 A Yes.

5 Q How does that work?

6 A Well, if they are already gang members of the gang,  
7 they wouldn't -- not all times would they have to pay  
8 taxes or if they were picking up their drugs from the  
9 gang leader or from within the gang, they don't have to  
10 pay gang taxes.

11 Q So if you are getting supplied by someone higher up  
12 in the gang, you don't have to pay taxes?

13 A No.

14 Q All right. So you were selling for  
15 Armando Barajas?

16 A Yes.

17 Q Is that why -- did you pay taxes?

18 A No.

19 Q Why is that?

20 A Because he was supplying me with the drugs.

21 Q If I am a gang member and I am getting my drugs  
22 from somebody else not in the gang, what would happen?  
23 Would I have to pay taxes?

24 A Sometimes you will and sometimes you won't.

25 Q When would you have to and when would you not?

1 A That would be an agreement that you would come to  
2 with the gang leader.

3 Q So you would tell the gang leader that I am selling  
4 drugs and this is where I am getting my drugs from?

5 A Yes.

6 Q What would happen if you didn't tell them that?

7 A You could suffer consequences.

8 Q How would they even find out?

9 A By word on the street or anybody finding out that  
10 you are selling drugs.

11 Q What would happen if you -- if somebody in the gang  
12 did that?

13 A Refused to pay taxes?

14 Q Or just didn't tell the leader of the gang that  
15 they were selling drugs and didn't volunteer to give them  
16 some money.

17 A What would happen to them? They could be fined or  
18 beaten.

19 Q Okay. Do you believe that it is likely that the  
20 gang would find out if you were selling drugs and not  
21 paying taxes?

22 A Yes.

23 Q Why is that?

24 A Because everybody pretty much knows each other, and  
25 all druggies know each other, so it would just be a

1 matter of time before the truth would come up and we  
2 would find out.

3 Q How -- I don't understand how that would happen.  
4 How would that happen?

5 A Well, if you are selling -- if you are a drug  
6 dealer, you are selling to either other suppliers or  
7 people that use drugs, and just amongst the drug users or  
8 the drug dealers, they would find out that you are  
9 selling drugs.

10 Q You couldn't get away with it at all?

11 A That I know of, that doesn't happen very much.

12 Q Now, what if the gang member who was selling drugs  
13 had people working for him. Would those people have to  
14 pay taxes too?

15 A If --

16 Q So suppose -- have you heard of the term runner?

17 A Yes.

18 Q What does that term mean?

19 A An individual that sells drugs for you.

20 Q And if the gang member had a runner, would the  
21 runner have to pay taxes too?

22 MR. CEPHAS: Objection, your Honor. Speculation.

23 Expert opinion coming in through a lay witness.

24 THE COURT: Overruled.

25 Q BY MS. EL-AMAMY: Would the runner have to pay?

1 A If the person that the runner is getting the drugs  
2 from is already paying extortion payments, no.

3 Q How would the gang know whether or not the runner  
4 needed to pay?

5 A By finding out who the runner is working for and if  
6 they are already paying taxes or not.

7 Q Does the gang have female members?

8 A No.

9 Q Why is that?

10 A Because as far as females being gang members, they  
11 are seen as being weaker or weak.

12 Q So do women ever participate at all in gang crimes?

13 A There used to be females that belonged to the  
14 Black Angels, but there isn't anymore.

15 Q Are there women that were involved in 2009 in some  
16 capacity in helping out the gang's crimes?

17 MR. CEPHAS: Objection. Speculation.

18 Q BY MS. EL-AMAMY: Do you know?

19 A In some capacity, yes.

20 Q What capacity?

21 A Visiting other gang members that were incarcerated  
22 and relaying messages through them.

23 Q Why would they do that?

24 A To try to avoid detection by -- to avoid from one  
25 gang member visiting another gang member in the jails.

1 Q Any other ways that they would help out?

2 MR. CEPHAS: Objection. Speculation. Foundation.

3 THE COURT: Overruled.

4 Q BY MS. EL-AMAMY: Are there any other ways that they  
5 would help out, women would help out?

6 MR. WALSH: Objection, your Honor. Unless he can  
7 establish personal knowledge of actually witnessing such  
8 events.

9 THE COURT: Overruled.

10 Q BY MS. EL-AMAMY: Do you know of any women that  
11 helped out the gang's crimes in 2009?

12 A The gang's crimes?

13 Q Any sort of criminal activity done by gang members,  
14 Black Angels gang.

15 A No.

16 Q Okay. Now, what kind of drugs were sold in Ontario  
17 that the gang was taxing?

18 A Methamphetamine and heroin.

19 Q How much heroin was being sold in Ontario?

20 A By the individuals that were being extorted?

21 Q Correct.

22 A I wouldn't be able to say an exact amount, but a  
23 good quantity.

24 Q Like what's a good quantity?

25 A Pounds.

1 Q What about methamphetamine? How much was being  
2 sold that was being taxed by the gang.

3 A Just throughout the whole time?

4 Q Uh-huh.

5 A Or at a certain amount?

6 Q Maybe, for example, in 2009, how much were you  
7 aware was being taxed?

8 A Various amounts.

9 Q How much were you personally collecting from drug  
10 dealers?

11 A Different, different amounts.

12 Q What were some of the amounts?

13 A \$200, a hundred dollars, a hundred and fifty, 75.

14 Q In a week, how much would you collect?

15 A It varied from week to week.

16 Q Let's -- since we only have a short amount of time,  
17 let's talk about something relatively brief. Now, you  
18 talked about your gang being aligned with the Mexican  
19 Mafia. Do you know if other gangs in Southern California  
20 are aligned with the Mexican Mafia?

21 A Yes.

22 Q What are some examples of gangs that are aligned  
23 with the Mexican Mafia?

24 A Other gangs?

25 Q Yeah.

1                   MR. NAVARRO: Your Honor, objection. He is  
2 testifying as an expert.

3                   THE COURT: Overruled.

4                   Q     BY MS. EL-AMAMY: Did you have conversations with  
5 gang members who are part of gangs that were also aligned  
6 with the Mexican Mafia?

7                   A     Yes.

8                   Q     Where did those members come from?

9                   MR. CEPHAS: Objection. Hearsay.

10                  THE COURT: The question was where did the gang  
11 members come from. Overruled.

12                  Q     BY MS. EL-AMAMY: Where did they come from?

13                  A     Other cities.

14                  Q     Like where?

15                  A     Other cities in LA County, Orange County,  
16 San Bernardino County, Riverside County, San Diego  
17 County.

18                  Q     So all over Southern California?

19                  A     Yes.

20                  Q     Are there gangs in Southern California to your  
21 knowledge that aren't aligned with the Mexican Mafia?

22                  MR. CEPHAS: Objection. Speculation. Foundation.

23                  THE COURT: To his knowledge, overruled.

24                  Q     BY MS. EL-AMAMY: To your knowledge, are there?

25                  A     Other gangs in Southern California, yes.

1 Q To your knowledge, is there any difference between  
2 those gangs and gangs aligned with the Mexican Mafia?

3 A Yes.

4 Q What are those differences?

5 A The races.

6 Q Anything else?

7 A No. Pretty much the race.

8 Q To your knowledge, are they structured differently?

9 A The other gangs?

10 Q Yes.

11 MR. CEPHAS: Same objections, your Honor.

12 THE COURT: To your knowledge.

13 Q BY MS. EL-AMAMY: To your knowledge, are gangs  
14 aligned with the Mexican Mafia structured differently  
15 than other gangs?

16 A Yes.

17 Q How so?

18 A They don't answer to a higher person or they are  
19 not structured as good.

20 Q What do you mean by that?

21 MR. CEPHAS: Objection. Foundation. It is  
22 speculative, and the government hasn't laid a foundation,  
23 your Honor.

24 THE COURT: Sustained.

25 MS. EL-AMAMY: Your Honor, I think now would be a

1 good time for our break if --

2 THE COURT: All right. Sounds good.

3 (Recess from 9:25 a.m. to 9:45 a.m.)

4 (The following proceedings were held in the  
5 presence of the jury:)

6 MR. DORE: Your Honor, may we have a moment?

7 THE COURT: The record will reflect that all  
8 counsel are present as are all defendants and the jury,  
9 and Mr. Navarro is on the witness stand.

10 Yes. Mr. Dore.

11 MR. DORE: Ms. El-Amamy is returning in a moment,  
12 and I was wondering if I could present Ms. English with a  
13 list of our exhibits to expedite the transition.

14 THE COURT: Okay. Thank you.

15 (Pause in proceedings.)

16 MS. EL-AMAMY: I apologize.

17 THE COURT: Go ahead, counsel.

18 Q BY MS. EL-AMAMY: Now, you talked about the Mexican  
19 Mafia. Who in the Mexican Mafia was running the gang?

20 A Armando Barajas.

21 Q Any other Mexican Mafia members?

22 A Juan Gil.

23 Q Now, you said that you became a leader of the gang,  
24 who made you the leader?

25 A Juan Gil did.

1 Q How did he make you the leader?

2 A How he made me?

3 Q Yes. How did you find out you became the leader?

4 A He related, he first related the message through  
5 his wife to relate to me.

6 Q Now, you mentioned earlier that women didn't help  
7 the gang commit criminal activity, but the wife relayed  
8 the message?

9 A Yes.

10 Q Wasn't she passing along a message related to the  
11 gang?

12 A Yes.

13 Q Isn't this kind of related to the criminal  
14 enterprise?

15 MR. WALSH: Objection, your Honor. Leading the  
16 witness.

17 THE COURT: Overruled.

18 Q BY MS. EL-AMAMY: Is that related to the criminal  
19 enterprise?

20 A In a sort of way, yes.

21 Q What did Virginia Gil tell you?

22 A That Juan Gil wanted me to take over.

23 MR. NAVARRO: Objection, your Honor. Hearsay.

24 THE COURT: Overruled.

25 Q BY MS. EL-AMAMY: What did Virginia Gil tell you?

1 A That Juan Gil wanted me to take over the gang,  
2 business for the gang.

3 Q Let me direct your attention to Exhibit No. 8.

4 Who was that individual?

5 A Juan Gil.

6 MS. EL-AMAMY: Your Honor, I move to admit Exhibit  
7 No. 8.

8 THE COURT: Any objection?

9 MR. NAVARRO: No objection.

10 THE COURT: Will be received.

11 Q BY MS. EL-AMAMY: Is that the individual who told you  
12 that you were the gang's leader?

13 A Yes.

14 Q As the leader, what did that mean?

15 A To overlook anything that had to do with the gang.

16 Q What specifically?

17 A Extortion, extortion money or any criminal acts  
18 within the gang.

19 Q Now, let me direct your attention to Exhibit 78A  
20 which relates to a disk that has already been admitted  
21 into evidence as Exhibit 78.

22 Prior to coming to court today, did you look  
23 at a number of recorded disks?

24 A Yes.

25 Q About how many did you look at?

1 A I would say anywhere from 40 or more maybe.

2 Q What did do you with the disks?

3 A Initialed them and dated them.

4 Q Did you listen to them?

5 A Yes.

6 Q Did you initial and date transcripts?

7 A Yes.

8 Q When you were initialing and dating disks and  
9 transcripts, why were you doing that?

10 A To show that I had listened to them and went over  
11 them.

12 Q When you were initialing transcripts, what were you  
13 initialing them for?

14 A I had read them along with listening to the CD.

15 Q Did you recognize people's voices on the  
16 transcripts?

17 A Yes.

18 Q When you initialed the transcripts, every time you  
19 initialed a transcript, did you recognize one or more of  
20 the voice of the speakers?

21 A Yes.

22 Q All right. Now, you mentioned that you knew an  
23 individual named Armando Barajas, and he was running the  
24 gang for a period of time. Showing you Exhibit 3 which  
25 already has been admitted into evidence, about how many

1 times have you spoken with Armando Barajas?

2 A Hundreds of times.

3 Q Have you spoken with him on the telephone?

4 A Yes.

5 Q And in person?

6 A Yes.

7 Q Are you able to recognize his voice?

8 A Yes.

9 Q When you were reviewing tapes and transcripts in  
10 this case, did you review tapes and transcripts related  
11 to conversations that you had with Armando Barajas?

12 A Yes.

13 Q All right. Exhibit 78A, does that have your  
14 initials on it?

15 A Yes, it does.

16 Q And is that the transcript of a call that has been  
17 identified as a telephone conversation that took place on  
18 July 25th, 2009 at 1:38 p.m.?

19 A Yes.

20 Q All right. I am now going to play a portion of  
21 that recording.

22 MS. EL-AMAMY: May I approach to get Exhibit 78.

23 Your Honor, I would ask the court to let the  
24 jury know that they have three binders that contain a  
25 series of transcripts. The transcripts will be in each

1 of the three binders labeled for example on this 178A.

2 THE COURT: They have got that part down cold. I  
3 understand that there was an addendum made to one of the  
4 exhibits. It is not 78A.

5 MS. EL-AMAMY: It is 77A.

6 THE COURT: Okay. Good.

7 THE COURT: All right. Are there any members of  
8 the jury having any difficulty at all finding tab 78A?  
9 Hands. Okay.

10 Q BY MS. EL-AMAMY: Now, turning to 78A, when did you  
11 review this transcript?

12 A On October the 25th, 2012.

13 Q All right. And are those your initials?

14 A Yes.

15 (Tape played.)

16 Q Now the call just says, what up, Plucks. What is  
17 Plucks?

18 A That is my nickname that I used to go by.

19 Q All right.

20 (Tape played.)

21 Q BY MS. EL-AMAMY: What are you talking about at this  
22 point in the conversation?

23 A He is telling me he was with his daughters and that  
24 he had attended a rave party the night before.

25 Q So this is just social conversation?

1 A Yes.

2 Q And the transcript correctly identifies Armando  
3 Barajas as the speaker?

4 A Yes.

5 (Tape played.)

6 Q BY MS. EL-AMAMY: Now, I am going to stop the  
7 transcript and the recording at that point. What did he  
8 mean by saying that there is a little dude that was  
9 saying that he was a BA?

10 A That there was a guy that was claiming to be a  
11 Black Angel.

12 Q And what did you mean when you said that he was  
13 saying that you had blessed him?

14 A That, what I meant by?

15 Q Blessed.

16 A Armando Barajas blessing him, basically giving him  
17 the okay to become or be a BA.

18 Q And then when Armando Barajas said that I am going  
19 to tell him that he is unblessed, what does that mean?

20 A That he didn't give him the okay to be a BA.

21 Q Why is it significant if someone has the okay or  
22 not okay to be a BA?

23 A Because there is only one right way to become a  
24 Black Angel.

25 Q And how is that?

1 A Through committing crimes for the benefit of the  
2 gang.

3 Q There is no other way?

4 A There has been a couple of situations where they've  
5 made a Black Angels because they felt they had the  
6 potential to be one.

7 Q What do you mean by potential?

8 A That they had basically the requirements that were  
9 required to be a gang member for the gang.

10 Q But in -- what were the requirements?

11 A Be willing to commit a crime when called upon for  
12 the benefit of the gang.

13 Q Why were you talking about whether or not this  
14 individual was blessed or unblessed, if he was a BA or  
15 not a BA?

16 A Because we weren't sure. He was claiming to be a  
17 Black Angel from, but, from our knowledge, he wasn't.

18 Q Did you take any steps to confront this individual?

19 A Yes.

20 Q What steps did you take?

21 A We found out where he was hanging out at one day,  
22 and showed up to go talk to him about the situation.

23 Q By talk to him, what did you do? Did you confront  
24 him?

25 A Yes.

1 Q Did you have guns?

2 A No.

3 Q What did you say to him?

4 A That we had heard, that he was claiming to be a  
5 Black Angel, and, from our knowledge, he wasn't.

6 Q Now, I am going to direct your attention to Exhibit  
7 132 and 132A.

8 Q Now, do you have 132A in front of you?

9 A Yes.

10 Q Did you listen to this call previously?

11 A Yes, I did.

12 Q Are your initials on the transcript?

13 A Yes.

14 Q What is the date and time of this call?

15 A The date is July 18, 2009 and the time is 1:34 p.m.

16 Q Who are the speakers?

17 A Armando Barajas and myself.

18 (Tape played.)

19 Q BY MS. EL-AMAMY: What were you discussing in this  
20 call?

21 A Armando Barajas was telling me about a meeting that  
22 they had had with other gangs from other cities.

23 Q Were these gangs aligned with the Mexican Mafia?

24 A Yes.

25 Q What was the purpose of this meeting?

1 A To discuss gang business and extortion business.

2 Q Why did you need to discuss that with other gangs?

3 A It wasn't the Black Angels exactly discussing it  
4 with the other gangs. It was Armando Barajas and other  
5 Mexican Mafia members discussing gang business and  
6 extortion business with gangs from other cities.

7 Q What specifically did you discuss with respect to  
8 the extortion activities?

9 A Well, I wasn't there at the meeting, but from what  
10 Armando Barajas --

11 MR. WALSH: Objection, your Honor. He has no  
12 personal knowledge.

13 THE COURT: Sustained.

14 Q BY MS. EL-AMAMY: Did Armando Barajas communicate to  
15 you what was discussed at this meeting?

16 A Yes.

17 Q What did he tell you?

18 A He told me that him and two other Mexican Mafia  
19 members had showed up to a big gang meeting with  
20 themselves and other gangs from other cities to discuss  
21 extortion and gang business and who has what territory or  
22 who has the priority to what territory to collect  
23 extortion money from.

24 Q Why is that important information?

25 A Because it has to do with the extortion payments

1 that are paid to the Mexican Mafia.

2 Q Now, it says that the gang needed two reps. What  
3 are reps?

4 A Representatives.

5 Q Why did the gang need representatives?

6 A In case other gangs from other cities or any other  
7 Mexican Mafia members had to get ahold of somebody from a  
8 specific gang, they would have two representatives from  
9 each gang to be able to get ahold of them and discuss any  
10 questions or business that they wanted to discuss.

11 Q Do you know an individual by the name of Carlos  
12 Rivera?

13 A Yes.

14 Q How do you know this individual?

15 A He is another gang member of the gang.

16 Q Do you know when he became a member?

17 A I know maybe around the time when -- I don't know  
18 the exact date, but more or less around the time when he  
19 became.

20 Q What time was that?

21 A Around 2005.

22 Q How did you know he was a member in 2005?

23 A Because I met him at a gang meeting.

24 Q Do you see Carlos Rivera in the courtroom today?

25 A Yes.

1 Q Where is he seated?

2 A To my right.

3 Q To your right where? What is he wearing?

4 A Blue shirt.

5 Q Any other description?

6 A Long hair.

7 Q Will the record reflect that he is -- so you said  
8 you met him at a gang meeting. What did you talk about  
9 at the gang meeting that you met him at?

10 A Gang business.

11 Q Like what?

12 A Any business that needs to get taken care of or any  
13 crimes that need to be committed for the benefit of the  
14 gang.

15 Q About how many gang meetings have you been to with  
16 defendant Rivera?

17 A I would say anywhere from 40 to 60 maybe.

18 Q About how many times did you interact with him in  
19 your lifetime?

20 A Hundreds of times.

21 Q Have you spoken with him on the phone?

22 A Yes.

23 Q Have you done crimes with him?

24 A No.

25 Q Do you know if he was selling drugs?

1 A Yes.

2 Q How do you know that?

3 A From knowledge and in seeing it.

4 Q Now, did Carlos Rivera to your knowledge join the  
5 gang as an OVS gang member?

6 A Yes.

7 Q How do you know that?

8 A Because when I met him, he was an OVS gang member.

9 Q Did he ever hold a leadership position in the gang?

10 A Yes.

11 Q What position was that?

12 A The president to the OVS.

13 Q What are the responsibilities of the president of  
14 the OVS?

15 A To overlook all the gang business.

16 Q For the entire gang?

17 A For the OVS gang.

18 Q What would the OVS be responsible for?

19 A Anything that, usually smaller, like not to -- not  
20 so much business as the Black Angels.

21 Q What specific crimes do you know defendant Rivera  
22 committed as an OVS member, if any?

23 A Any specific, I don't know.

24 Q Do you know if Carlos Rivera has ever paid dues to  
25 the gang?

1 A Yes.

2 Q How do you know that?

3 A From attending gang meetings and seeing him turn in  
4 money.

5 Q Let me direct your attention to Exhibit 162 and  
6 162A.

7 Now you mentioned that you interacted  
8 previously with Carlos Rivera. Are you able to recognize  
9 his voice?

10 A Yes.

11 Q Did you recognize his voice in this recorded  
12 telephone conversation?

13 A Yes.

14 Q When you initialed the telephone conversation, were  
15 you saying the transcript was accurate in that it  
16 depicted Carlos Rivera?

17 A Yes.

18 Q Do you know an individual by the name of David  
19 Hernandez?

20 A Yes.

21 Q Is David Hernandez an OVS gang member?

22 A Yes.

23 Q How do you know this?

24 A Because I was one of the gang members that voted  
25 him in to the gang.

1 Q In 2009 was David Hernandez an OVS gang member?

2 A No.

3 (Tape played.)

4 Q BY MS. EL-AMAMY: Now, at this point, does the  
5 transcript accurately say that it is defendant Rivera  
6 talking to you?

7 A Yes.

8 Q When it says that remember those things we are  
9 looking for, those little things, what was he talking  
10 about?

11 A Firearms.

12 Q And he says remember what we have been looking for.  
13 When did you guys start looking for firearms together?

14 A We have always -- we have always let everybody know  
15 at the gang meetings if they come across a gun and they  
16 think it is a decent gun for a decent amount of money to  
17 purchase it or let it be known so we can purchase it.

18 Q Did defendant Rivera volunteer to get the gang a  
19 gun?

20 A Yes.

21 Q Where was he going to get the money?

22 A From the gang dues.

23 (Tape played.)

24 Q BY MS. EL-AMAMY: Now, when he says it is a for sure  
25 thing, what does that mean?

1 A That it is a for sure deal he can make.

2 Q And he says it is brand new. What does that mean?

3 A It is a brand new gun.

4 Q Why is that important?

5 A Because it tells us it hasn't been used in any  
6 other crimes.

7 Q Why do you care if it has been used in crimes  
8 before?

9 A We don't want a gun that has been used in a  
10 shooting or a murder.

11 Q Why?

12 A Because we can get arrested for it.

13 Q He says this fool wants two. What does that mean?

14 A He wants \$200.

15 (Tape played.)

16 Q BY MS. EL-AMAMY: Now, when you asked him two, you  
17 said dos, two, what were you asking?

18 A The caliber of the gun.

19 Q What is a two?

20 A It was like there is no such caliber as a two, but  
21 I was referring to in code name as .22.

22 Q And he says a .25?

23 A Yes.

24 Q What is that?

25 A .25 caliber gun.

1 Q Is that a small gun or a big gun?

2 A Small gun.

3 (Tape played.)

4 Q BY MS. EL-AMAMY: All right. Let me stop the  
5 recording there.

6 How much was he able to buy the gun for?

7 A To my knowledge, I believe it was \$200.

8 Q And the two five, that doesn't constitute \$250?

9 A No.

10 Q How do you know that?

11 A Because when he says two five, he is speaking of  
12 the caliber that the gun was.

13 Q And defendant Rivera says because you know they be  
14 coming across that shit. What is he saying there?

15 A What was the question?

16 Q What does he mean, he be coming across that shit?

17 I don't understand what he is saying.

18 A I believe it is coming across the guns.

19 Q Do you know that for certain?

20 A No.

21 Q Okay. Why was defendant Rivera telling you that he  
22 was getting a gun or could get a gun?

23 A Just letting me know that he was able to obtain or  
24 possibly obtain a firearm for the gang.

25 Q Why was he talking to you specifically?

1 A Because at that time I was the gang leader, and he  
2 wanted to run it by me.

3 Q Did you have to authorize it?

4 A No.

5 Q Why was he running it by you?

6 A No specific reason, just so I would have knowledge  
7 of it.

8 Q Were you friends?

9 A Was I what?

10 Q Were you friends with him?

11 A Yes.

12 Q Was it possible he was just telling you as a  
13 friend, also, I am getting a gun?

14 A It is possible.

15 Q Now, let me direct your attention to Exhibit 73,  
16 73A as well as 72 and 72A.

17 Now, starting first with 72, did you date and  
18 initial that transcript?

19 A Yes.

20 Q You mentioned that you knew who David Hernandez  
21 was. When did you meet David Hernandez?

22 A Maybe around 2006, 2007.

23 Q About how many times did you speak with him?

24 A Hundreds of times.

25 Q Were you able to recognize his voice?

1 A Yes.

2 Q Does the transcript accurately reflect that this  
3 was a call that was made on July 2, 2009 at 7:50 p.m.  
4 between Carlos Rivera and David Hernandez?

5 A Yes.

6 MR. NAVARRO: Your Honor?

7 THE COURT: Yes.

8 MR. NAVARRO: I am going to object on the grounds  
9 of speculation, lack of personal knowledge. He was not  
10 part of this conversation.

11 THE COURT: You mean with respect to the time?

12 MR. NAVARRO: Everything about the testimony with  
13 regard to this call.

14 THE COURT: Well, with respect to the time, it is  
15 sustained.

16 (Tape played.)

17 Q BY MS. EL-AMAMY: Did you recognize defendant  
18 Rivera's voice?

19 A Yes.

20 Q Did you recognize Mr. Hernandez's voice?

21 A Yes.

22 Q Now, defendant Rivera says you got that brand new  
23 or what. What does he mean by brand new?

24 MR. NAVARRO: Objection, your Honor. Speculation.

25 THE COURT: Sustained.

1 Q BY MS. EL-AMAMY: Have you ever heard defendant  
2 Rivera refer to something as brand new before?

3 MR. NAVARRO: Objection. Vague, your Honor.

4 THE COURT: Overruled.

5 THE WITNESS: What was the question.

6 Q BY MS. EL-AMAMY: Have you ever heard defendant  
7 Rivera use the phrase brand new?

8 A Just when he told me about the gun.

9 Q When was that?

10 A Around this time.

11 Q What did he say specifically?

12 A That there was a gun that was for sale and that was  
13 brand new.

14 Q Did he tell you how much he was buying the gun for?

15 A Yes.

16 Q How much did he say?

17 MR. CEPHAS: Objection. Asked and answered.

18 THE COURT: Sustained.

19 MS. EL-AMAMY: Your Honor, this is a different  
20 transaction. This is a different date.

21 THE COURT: All right. Go ahead.

22 MR. CEPHAS: Objection. Hearsay.

23 THE COURT: Sustained.

24 Q BY MS. EL-AMAMY: Did defendant Hernandez speak to  
25 you?

1 A Yes.

2 Q About a gun that he was going to purchase on or  
3 about this date?

4 A Yes.

5 Q Did he tell you how much?

6 MR. NAVARRO: Objection, your Honor. Misstates  
7 the evidence. She said defendant Hernandez.

8 MS. EL-AMAMY: I'm sorry.

9 Q Did defendant Rivera talk to you about purchasing a  
10 gun on or about this date?

11 A Yes.

12 Q How much did he say he was going to pay for?

13 A \$200.

14 Q Did he -- why did he talk to you about the firearm?

15 MR. CEPHAS: Objection. Asked and answered.

16 THE COURT: Overruled.

17 Q BY MS. EL-AMAMY: Why did he talk to you about the  
18 firearm?

19 A So I could have knowledge of the transaction that  
20 was going on.

21 Q Did he tell you if he was going to use gang dues to  
22 pay for the gun?

23 A We had already agreed that he was going to use gang  
24 dues.

25 Q And when did you make this agreement?

1 A Prior.

2 Q When?

3 A Prior to this phone call.

4 Q Where did you make this agreement?

5 A Where?

6 Q Yes.

7 A I don't remember the location.

8 Q Was it just the two of you?

9 A I believe so.

10 Q Now, did he ask you to be present at the  
11 transaction?

12 A No.

13 Q Did he tell you where he was going to do the  
14 transaction?

15 A No.

16 Q Did he tell you when?

17 A No.

18 Q Directing your attention to Exhibit 73A.

19 Did you review this transcript before coming  
20 to court?

21 A Yes.

22 Q Were you able to recognize the speakers during this  
23 telephone conversation?

24 A Yes.

25 Q Playing for you what is a recording that has

1 already been identified as a telephone call that took  
2 place on July 21, 2009 at 8:34 p.m.?

3 MR. NAVARRO: Your Honor, the same objections.  
4 Foundation. Personal knowledge.

5 THE COURT: All right. There is no question yet.

6 Q BY MS. EL-AMAMY: Do you see other people's initials  
7 on this transcript on the front page?

8 A Yes.

9 Q Whose initials do you see? Do you know the  
10 individuals?

11 A No.

12 Q Is one of the initials that you see MP?

13 A Yes.

14 Q All right. And is another initial JRL?

15 A Yes.

16 (Tape played.)

17 Q BY MS. EL-AMAMY: After defendant Rivera told you  
18 that he was going to get a firearm, did he show you a  
19 picture of a firearm?

20 A Yes.

21 Q How did he show you this picture?

22 A Through his cell phone.

23 Q Did you look at his cell phone?

24 A Yes.

25 Q What did you see as a photograph?

1 A A picture of a firearm.

2 Q Was the firearm in a case or not?

3 A No.

4 Q Could you tell from the picture what kind of  
5 firearm it was?

6 A More or less, yes.

7 Q What kind was it?

8 A Looked like a .25 caliber.

9 Q Let me direct your attention to Exhibit 233. Do  
10 you recognize what is in that picture?

11 A Yes.

12 Q What is that a picture of?

13 A .25 caliber gun.

14 Q Do you know for certain that it is a .25 caliber  
15 gun?

16 A From the looks of it, yes.

17 Q Have you ever seen guns of any other caliber?

18 A Yes.

19 Q What other calibers have you seen.

20 A 9-millimeters, .22 calibers, .45, SKS's, Tek 9.

21 Q Does this appear to look like the photograph that  
22 defendant Rivera showed you?

23 A Yes.

24 MS. EL-AMAMY: Move to admit, your Honor

25 MR. NAVARRO: No objection, your Honor.

1                   THE COURT: All right. Be received.

2   Q    BY MS. EL-AMAMY: Do you know if this is the firearm  
3    that was in the picture?

4   A    Yes. It looks like it.

5   Q    How soon after defendant Rivera told you that he  
6    was going to buy the firearm did he tell you that, did he  
7    show you the picture?

8   A    I don't remember exactly.

9   Q    Do you know an individual by the name of Raul  
10   Prieto?

11   A    Yes.

12   Q    How do you know that individual?

13   A    I met him through Carlos Rivera.

14   Q    When did you meet him?

15   A    Maybe back in 2006.

16   Q    Why did Carlos Rivera introduce you to Raul Prieto?

17   A    No certain reason why he introduced me to him. I  
18   just happened to show up one day when he was at his  
19   house.

20   Q    When you were at whose house?

21   A    When Carlos Rivera was at Raul's house.

22   Q    How many times have you spoken with Raul Prieto?

23   A    Lot of times.

24   Q    About how many?

25   A    I don't know. I don't have any exact.

1 Q More than 10?

2 A Yes.

3 Q More than 50?

4 A Yes.

5 Q More than a hundred?

6 A Yeah. Around there.

7 Q Have you ever been to his house?

8 A Yes.

9 Q Where is his house at?

10 A In Ontario.

11 Q Do you see Raul Prieto in the courtroom?

12 A Yes.

13 Q Where is he seated?

14 A To my right.

15 Q What is he wearing?

16 A A burgundy shirt.

17 Q Let the record reflect that he has accurately  
18 identified defendant Prieto.

19 THE COURT: Yes.

20 Q BY MS. EL-AMAMY: Is defendant Prieto an OVS gang  
21 member?

22 A Yes.

23 Q How do you know that?

24 A I was one of the gang members that voted him in.

25 Q When did you do that?

1 A In 2010.

2 Q Did other gang members vote him in?

3 A Yes.

4 Q Who were those gang members?

5 A Carlos Rivera, Lonely and Lost Boy.

6 Q Who is Lonely?

7 A Jose Hurtado.

8 Q And who is Lost Boy?

9 A Rigo Portillo.

10 Q Why did you vote defendant Prieto into the gang?

11 A He wanted to become in the gang, and I believed he  
12 had potential to be worthy of being a gang member from  
13 the gang.

14 Q How do you know that he wanted to be part of the  
15 gang?

16 A Because he told us.

17 Q What did he say to you?

18 A Well, he told Carlos Rivera that he wanted to join  
19 the gang.

20 Q Did you speak with him directly about why he wanted  
21 to join the gang?

22 A Not specific details, no.

23 Q Did defendant Rivera tell you why defendant Prieto  
24 wanted to be part of the gang?

25 A Not why. No.

1 Q Why did you think that he would be a worthy gang  
2 member?

3 A Because of his character and how I used to see that  
4 he carried himself.

5 Q What do you mean by that?

6 A How he acted.

7 Q How so?

8 A Seemed like he was willing to do anything when  
9 called upon by the gang.

10 Q Was he ever called to do anything for the gang?

11 A No.

12 Q So then why would he seem like he was willing to do  
13 anything if called upon?

14 A Just something that I seen and the other guys seen,  
15 that he would be willing to.

16 Q Did you conduct the vote in front of defendant  
17 Prieto?

18 A No.

19 Q Now, you mentioned that it was Jose Hurtado and  
20 Rigo Portillo?

21 A Yes.

22 Q Had defendant Prieto met with these individuals  
23 prior to them voting in his membership status?

24 A Prior to voting? Yes.

25 Q How do you know that?

1 A Because I seen them.

2 Q You seen them what, talking?

3 A Talking.

4 Q Let me direct your attention to Exhibits 257 and

5 260. Do you have those pictures in front of you?

6 A Yes.

7 Q Do you recognize who those individuals are?

8 A Yes.

9 Q Who are those individuals?

10 A Rigo Portillo and Jose Hurtado.

11 Q Were these individuals who voted defendant Prieto  
12 into the gang along with defendant Rivera?

13 A Yes.

14 Q And yourself?

15 A Yes.

16 Q Was it a unanimous vote?

17 A Excuse me?

18 Q Was it a unanimous vote?

19 A Unanimous?

20 Q Did everyone agree?

21 A Yes.

22 MS. EL-AMAMY: Your Honor, I move to admit 257 and  
23 260.

24 THE COURT: Any objection?

25 MR. NAVARRO: No objection, your Honor.

1 THE COURT: Be received.

2 Q BY MS. EL-AMAMY: Showing you first Exhibit 257. Who  
3 is this?

4 A Jose Hurtado.

5 Q What is his gang nickname?

6 A Lonely, Little Lonely.

7 Q What are the tattoos that he has on him?

8 A Gang tattoos.

9 Q Are they Black Angels tattoos?

10 A Yes.

11 Q What is on the back of his head?

12 A The initials OBA.

13 Q And what about underneath his lip.

14 A BA.

15 Q What about on his back?

16 A Black Angels, South Ontario.

17 Q What about the picture on the right with the X3?

18 A That is a 13.

19 Q What about Sur Ontario?

20 A Yes.

21 Q And what does Sur Ontario mean?

22 A Sur means South Side which is the side of where the  
23 neighborhood is located at.

24 Q And why do you spell Ontario with an E?

25 A Because that is how you pronounce it in Spanish and

1 that is how the gang spells it.

2 Q Showing you Exhibit 260, who is this a picture of?

3 A Rigo Portillo.

4 Q Was that one of the individuals who voted defendant  
5 Prieto into the gang?

6 A Yes.

7 Q What is his nickname?

8 A The lost boy.

9 Q What does defendant Portillo have or Mr. Portillo  
10 have on his neck?

11 A A Black Angel.

12 Q And what about on his chest?

13 A Onerio.

14 Q Let me show you Exhibit 259. Who is in this  
15 picture?

16 A Me.

17 Q Are there photographs of your tattoos?

18 A Yes.

19 Q Are those accurately -- do those accurately reflect  
20 the tattoos you still have?

21 A Yes.

22 MS. EL-AMAMY: Move to admit.

23 MR. CEPHAS: No objection.

24 THE COURT: Admitted.

25 Q BY MS. EL-AMAMY: Showing you Exhibit 259, why did

1 you get these tattoos?

2 A To show my allegiance to the gang.

3 Q Is anyone allowed to get a Black Angels tattoo?

4 A Only members.

5 Q And what happens if somebody who is not a Black  
6 Angels gets that tattoo?

7 A They could be beaten or killed.

8 Q Is it a requirement that people in the gang get a  
9 tattoo?

10 A Not necessarily, no.

11 Q Do you know gang members without tattoos?

12 A Yes.

13 Q Do you know if defendant Portillo -- or, I'm  
14 sorry -- defendant Prieto had any tattoos when you made  
15 him an OVS gang member?

16 MR. CEPHAS: Objection. Vague and ambiguous.

17 THE COURT: Overruled.

18 Q BY MS. EL-AMAMY: Do you know if he had any gang  
19 tattoos when you made him an OVS member?

20 A Any gang tattoos, no.

21 Q Was it a requirement that he get one?

22 A No.

23 Q When you met with -- were you the one who told  
24 defendant Prieto that he was an OVS member?

25 A Yes.

1 Q What did he tell him?

2 A That he had taken a vote upon making him a gang  
3 member and we decided that he was -- wanted to make him  
4 one.

5 Q Did you tell him that he had any responsibilities?

6 A Yes.

7 Q What did you tell him?

8 A That he had to attend gang meetings and do criminal  
9 activities for the benefit of the gang.

10 Q Did he ask you any questions about why he had to do  
11 criminal activities?

12 A No.

13 Q Did he ask you any questions about why he had to  
14 attend gang meetings?

15 A No.

16 Q Did he ask you what is an OVS?

17 A No.

18 Q Did he ask you who else was in the gang?

19 A No.

20 Q Did he ask you why he was being made an OVS gang  
21 member?

22 A No.

23 Q Did he ask you if this could just be a temporary  
24 thing?

25 A No.

1 Q Have you heard of something called a tagging crew?

2 A Yes.

3 Q What is a tagging crew?

4 A A group of individuals that write on the walls or  
5 do graffiti on the walls.

6 Q Have you heard of defendant Prieto being associated  
7 with any tagging crews prior to being OVS gang member?

8 A Yes.

9 Q What tagging crew have you heard that he belongs to  
10 or belonged to?

11 A KMR.

12 Q What is KMR?

13 A Tagging crew.

14 Q Is it rivals with anyone?

15 A From my knowledge, I believe they have other rivals  
16 that are also tagging crews.

17 Q Are they rivals with the Black Angels?

18 A No.

19 Q How could defendant Prieto become a member of OVS  
20 if he was a tagging crew member?

21 A He would have to stop claiming the tagging crew and  
22 start claiming the gang.

23 Q Did he tell you when you made him an OVS gang  
24 member that, no, I am already part of a tagging crew?

25 A No.

1 Q Do you know if defendant Rivera was ever part of a  
2 tagging crew?

3 A Yes.

4 Q What tagging crew was that?

5 A DPR.

6 Q How do you know he was part of that tagging crew?

7 A From his personal admittance to it.

8 Q To who?

9 A To me.

10 Q Did he tell you when he was part of that tagging  
11 crew?

12 A I know he was part of it prior to him being an OVS  
13 gang member.

14 Q Was that a problem that he was part of a tagging  
15 crew prior to being made an OVS gang member?

16 A No.

17 Q Was defendant Prieto authorized to claim that he  
18 was an OVS gang member prior to 2010?

19 A No.

20 Q What would have happened if you had found out that  
21 he was claiming that he was an OVS gang member?

22 A Probably would have beat him.

23 Q Did he ever tell you that he was OVS?

24 A No.

25 Q Did defendant Rivera ever tell you that defendant

1 Prieto claimed OVS?

2 A No.

3 Q Have you ever been to defendant Prieto's house?

4 A Yes.

5 Q How many times?

6 A Maybe 10, 15 times.

7 Q Do you know where defendant Prieto lives, what  
8 streets?

9 A Yes.

10 Q What street is that or what cross streets?

11 A On E street off of Campus.

12 Q May I please direct your attention to Exhibits 75  
13 and 77, both A and the call.

14 Now, Exhibit 75 has previously been admitted  
15 as a recording that took place on July 22nd, 2009 at  
16 5:06 p.m. Have you viewed a transcript related to that  
17 telephone conversation prior to testifying in court  
18 today?

19 A Yes.

20 Q Did you listen to the call?

21 A Yes.

22 Q Were you able to identify the speakers?

23 A Yes.

24 Q Who were those speakers?

25 A Carlos Rivera and David Hernandez.

1 (Tape played.)

2 Q BY MS. EL-AMAMY: Do you know if any other  
3 individuals associated with the gang lived on E and  
4 Campus?

5 A What was the question?

6 Q Do you know if any other individuals associated  
7 with the Black Angels gang lived on E and Campus?

8 A From my knowledge, no.

9 Q Have you ever seen defendant Rivera conduct crimes  
10 at defendant Prieto's house?

11 A Yes.

12 Q What have you seen him do?

13 A Conduct a drug deal.

14 Q Just one drug deal?

15 A Two drug deals.

16 Q Can you describe the first drug deal that you saw?

17 A We were hanging out at Raul's house --

18 Q When you say Raul, do you mean defendant Prieto?

19 A Yes.

20 Q What did you see?

21 A We were hanging out at his house, and Carlos got a  
22 phone call. And when he hung up the phone with the  
23 person he was talking to, he let us know that somebody  
24 wanted to come pick something up. And maybe about 10, 15  
25 minutes later a car pulled up, parked across the street,

1 and he went out to the front, got in the car and was in  
2 there about 5, 10 minutes and then came back.

3 Q So it was you, defendant Prieto, and defendant  
4 Rivera at the house?

5 A Yes.

6 Q And defendant Rivera got a telephone call?

7 A Yes.

8 Q And he said that somebody wanted to pick up  
9 something?

10 A Yes.

11 Q How do you know that that was drugs?

12 A Because that was a code word that we used for  
13 somebody picking up drugs.

14 Q Do you know what kind of drugs it was?

15 A Yes.

16 Q What kind?

17 A Methamphetamine.

18 Q Did he tell you how much they wanted to pick up?

19 A No.

20 Q Did he make the statement to both you and defendant  
21 Prieto?

22 A Yes.

23 Q Approximately when did this happen?

24 A Maybe around 2009.

25 Q Do you remember what month?

1 A No.

2 Q Can you please describe the second time this  
3 happened?

4 A He got a phone call, and when he hung up the phone  
5 he said somebody was going to come pick something up.  
6 And about 10, 15 minutes later, a car pulled up. He  
7 flagged them down, the guy parked, came into the driveway  
8 where we were hanging out at the side of the house, and  
9 they did the drug transaction right there.

10 Q Did they do the transaction in front of you?

11 A Yes.

12 Q Was it in front of defendant Prieto as well?

13 A Yes.

14 Q On both times was it in front of you?

15 A The transaction?

16 Q Yes.

17 A No. Just the second time.

18 Q Do you know how much was sold the second time?

19 A No.

20 Q Did you actually see the drugs?

21 A Yes.

22 Q How much was it?

23 A I don't know the exact amount.

24 Q What was it in?

25 A Plastic baggy.

1 Q Do you know how much he got for it?

2 A No.

3 Q How close was defendant Prieto to you when the  
4 transaction took place?

5 A Couple of feet.

6 Q Was it light outside?

7 A Yes.

8 Q About what time of day?

9 A I don't remember exactly.

10 Q Do you know who the drug customer was?

11 A No.

12 Q What did the drug customer look like?

13 A About a guy in his 20's.

14 Q Did he get out of the car?

15 A Yes.

16 Q Did you see him hand the money over?

17 A Yes.

18 Q Did you see how much it was?

19 A No.

20 Q When did this transaction occur?

21 A Sometime in 2009.

22 Q Do you remember the month?

23 A No.

24 Q How many times were you together with defendant  
25 Rivera and defendant Prieto at the house like that?

1 A When?

2 Q No. Just generally?

3 A Like how many times I --

4 Q Were the three of you together just hanging out at  
5 the house the way that you described.

6 A Maybe about 10 times.

7 Q Why were you hanging out there?

8 A I was there hanging out with Carlos.

9 Q Why were you hanging out with defendant Rivera at  
10 defendant Prieto's house?

11 A That was just a house where he used to hangout at.

12 Q Why didn't you hangout at his house?

13 A At Carlos' house?

14 Q Yes.

15 A Because he was on parole.

16 Q Why was that significant?

17 A Because if I was to be over there and law  
18 enforcement was to show up, he could get a parole  
19 violation for associating with me.

20 Q So he told you to come to defendant Prieto's  
21 instead?

22 A Yes.

23 Q What else are you not allowed to do? Or what  
24 else -- did he tell you what else he was not allowed to  
25 do while he was on parole?

1 A Break the law and not associate.

2 Q How many times did he tell you to go to defendant  
3 Prieto's house because he was on parole?

4 A I don't -- I don't know the exact amount of times.

5 Q More than five?

6 A Yes.

7 Q More than 10?

8 A Maybe, maybe around 10.

9 Q Did you do business with defendant Rivera at  
10 defendant Prieto's house?

11 A No.

12 Q What did you do there?

13 A Just hang out.

14 Q Why didn't you hang out at your house?

15 A I lived too far.

16 Q Do you know if other gang members met with  
17 defendant Rivera at defendant Prieto's house?

18 A Yes.

19 Q How do you know that?

20 A From being there.

21 Q Who else hung out there?

22 A Other gang members?

23 Q Yes.

24 A I know Venom did, Little Limpy. That is probably  
25 all I can remember right now.

1 Q What are their names?

2 A Venom is Daniel Rivera, and Little Limpy is Michael  
3 Calderon.

4 Q Did you ever talk to defendant Rivera or one of  
5 those two individuals about why they were going to  
6 defendant Prieto's house?

7 A No.

8 Q Did you ever talk to defendant Prieto about you  
9 being a Black Angels gang member?

10 A No.

11 Q Was it a secret?

12 A No.

13 Q Why do you say that?

14 A Because I have Black Angels tattooed on my body,  
15 and I am pretty sure he seen them.

16 Q When the drug transaction occurred in front of you  
17 and defendant Prieto, did defendant Prieto tell defendant  
18 Rivera not to do it?

19 A No.

20 Q Did he say don't do it again down the line?

21 A No.

22 Q Did he seem to be okay with it?

23 A Yes.

24 Q Why do you say that?

25 A Because he didn't say anything. He didn't say not

1 to. He didn't seem bothered by it.

2 Q Did he look nervous?

3 A No.

4 Q Were any other individuals who lived at the house  
5 around when the drug deal happened?

6 A No.

7 Q Why was nobody else there?

8 MR. CEPHAS: Objection. Speculation. Foundation.

9 THE COURT: Sustained.

10 MS. EL-AMAMY: Your Honor, Exhibit 77 is the  
11 one where there was the alteration to the transcript.  
12 Would the court just prefer that I play a portion of the  
13 call?

14 THE COURT: I don't know. The alteration?

15 MS. EL-AMAMY: The alteration was just English  
16 verbatim. It would not be submitted as evidence to the  
17 jury. It would just be the portion of the transcript,  
18 the recording would be the evidence in this case.

19 THE COURT: So this is all in English?

20 MS. EL-AMAMY: Yes.

21 THE COURT: And you made a -- there was a  
22 correction that was made?

23 THE WITNESS: That's correct, your Honor.

24 THE COURT: And the jury has now been provided  
25 with the corrected transcript?

1 MS. EL-AMAMY: That's correct,.

2 THE COURT: And we can refer them to the corrected  
3 transcript and proceed as we always have.

4 MS. EL-AMAMY: Thank you, your Honor.

5 THE COURT: Okay.

6 (Tape played.)

7 Q BY MS. EL-AMAMY: Now, Exhibit 77 has been already  
8 admitted as a recorded conversation that took place on  
9 July 2nd, 2009 at 7:48 p.m.

10 Did you review the transcript of this  
11 conversation prior to coming to court today?

12 A Yes.

13 Q Were you able to identify the voices?

14 A Yes.

15 Q Was one of them you?

16 A Yes.

17 Q Who was the other person?

18 A Carlos Rivera.

19 (Tape played.)

20 MS. EL-AMAMY: I will just stop right there.

21 Q You say that she found out already. What are you  
22 talking about in this call?

23 A I had got a phone call prior to this phone call by  
24 somebody else telling me that they had seen Carlos Rivera  
25 in the back seat of a cop car.

1 Q Why did they call you?

2 A Maybe because they knew I knew him.

3 Q Who did you get the call from?

4 A Robert Perez.

5 Q Is he associated with the gang?

6 A Yes.

7 Q What was his status at the time?

8 A At the time he wasn't -- he wasn't an active  
9 member.

10 Q He wasn't an active member?

11 A No.

12 Q What had he been previously?

13 A OVS gang member.

14 Q When was he active?

15 A Few years back, maybe late '90's.

16 Q So he saw defendant Rivera and contacted you?

17 A Yes.

18 Q How did he have your telephone number if he wasn't  
19 active?

20 A I used to talk to him and deal with him prior to  
21 this.

22 (Tape played.)

23 Q BY MS. EL-AMAMY: Now, defendant Rivera during this  
24 telephone conversation says I was doing something for us;  
25 right?

1 A Yes.

2 Q What did he mean by that?

3 A He was doing a transaction for the gang.

4 Q What was the transaction?

5 A Purchasing a firearm.

6 Q And defendant Rivera says, and everything was done  
7 right. What did you take that to mean?

8 A Maybe that the transaction was going well until law  
9 enforcement showed up.

10 Q But you don't know that for certain?

11 A No.

12 Q And he says that they got that shit. What what was  
13 he referring to?

14 A The firearm.

15 Q How did you know that was what he was referring to?

16 A Because he had told me about the firearm  
17 previously.

18 Q Did he tell you that he was going to get the gun  
19 that day?

20 A No.

21 Q Did he tell you previously he was going to get the  
22 gun?

23 A Yes.

24 Q Did he tell you where he was going to do it?

25 A No.

1 (Tape played.)

2 Q BY MS. EL-AMAMY: Now he says that he will make that  
3 up. What did you understand that to mean?

4 A That he will reimburse the money that was lost.

5 Q Reimburse it to who?

6 A To the gang.

7 Q And he says it is only half of it, though. What  
8 did you understand that to mean?

9 A I don't understand really.

10 (Tape played.)

11 Q BY MS. EL-AMAMY: Now, you said both of you said we  
12 will talk more when you see each other. Why did you  
13 agree to talk more later?

14 A So we wouldn't be talking to too much on the phone.

15 Q Why is that a problem?

16 A In case law enforcement was listening to our phone  
17 calls, they wouldn't know exactly what we were talking  
18 about.

19 Q So defendant Rivera says I will tell you the whole  
20 story when we see each other. What did you understand  
21 that to mean?

22 A That he will tell me everything that happened when  
23 we see each other in person.

24 (Tape played.)

25 Q BY MS. EL-AMAMY: Now, the two of you say it was the

1 Charger. What were you referring to?

2 A A Dodge Charger.

3 Q Why was that significant?

4 A The gang unit for the city of Ontario is known to  
5 drive a Dodge Charger.

6 Q And you talked about black and whites. What was  
7 that?

8 A We were talking about patrol cars, black and white.

9 Q Why did you care what kind of police were there?

10 A Just curious and wondering which officers, what  
11 officers showed up.

12 Q Why was that important if it was.

13 A It wasn't really important.

14 Q Now, defendant Rivera says his buddy tried to run.  
15 Do you know who he was referring to?

16 A I believe so.

17 Q Who do you believe it to be?

18 MR. CEPHAS: Objection. Speculation. Foundation.

19 THE COURT: Sustained.

20 Q BY MS. EL-AMAMY: Has he ever referred to someone as  
21 his buddy? This is a translation, but is buddy the way  
22 he used it when talking to you on this date?

23 A Yes.

24 Q Who has he used that word to refer to?

25 MR. CEPHAS: Objection. Speculation. Foundation.

1 THE COURT: Overruled.

2 Q BY MS. EL-AMAMY: Who has he used that to refer to?

3 A To Raul.

4 Q Do you mean defendant Prieto?

5 A Yes.

6 Q How many times has he used that word to describe  
7 defendant Prieto?

8 A Almost every time he talked about him.

9 Q Has he done it in front of defendant Prieto?

10 A Yes.

11 Q How many times?

12 A Almost every time.

13 (Tape played.)

14 Q BY MS. EL-AMAMY: Now, there is something in the  
15 transcript that says just making the cuts, fool. Did you  
16 hear that in the recording?

17 A I don't remember.

18 Q Let me play it for you again.

19 (Tape played.)

20 Q BY MS. EL-AMAMY: Did you hear him say something  
21 like, just regular cats?

22 A Yes.

23 Q What does that mean?

24 A Average people, nongang members.

25 Q Is it true that defendant Prieto wasn't a gang

1 member, wasn't OVS at the time?

2 A Yes.

3 Q So when he says just regular cats, that means the  
4 people he was with at the house at that time weren't gang  
5 members?

6 A Yes.

7 (Tape played.)

8 MS. EL-AMAMY: Okay. I am going to stop the  
9 recording at this point.

10 Q The two of you were talking about telephones, and  
11 you said that you called over with a blocked number. Why  
12 did you do that?

13 A In case when I called him, in case law enforcement  
14 had his phone on them. When I called him, my phone  
15 number wouldn't come up, and they wouldn't be able to  
16 obtain it.

17 Q And when defendant Rivera says they didn't fuck  
18 with my phone, what did you understand that to mean?

19 A They didn't look through his phone.

20 Q They didn't look through his phone?

21 A Yes.

22 Q Why would that be significant information to you?

23 A Usually law enforcement will try to get our cell  
24 phones and look through them, see if they see any  
25 pictures, any text messages with any certain messages or

1 any numbers, phone numbers that they would recognize.

2 Q Have you used your phone to conduct gang business?

3 A How do I?

4 Q Have you, in your life?

5 A Yes.

6 Q How often?

7 A Almost all the time.

8 Q Every day?

9 A Yes.

10 Q What kind of gang business did you do using your  
11 telephone?

12 A Calling drug dealers to meet with them, to collect  
13 extortion payments, get in contact with other gang  
14 members to make sure that they were aware when and where  
15 we were having gang meetings.

16 Q Any other purposes?

17 A Or any messages concerning gang business.

18 Q Did you ever use your telephone to talk to  
19 defendant Rivera to do gang business?

20 A Yes.

21 Q What kind of gang business did you conduct with  
22 defendant Rivera using your telephone?

23 A Discussing about gang meetings and in this case  
24 discussing the purchase of a gun.

25 Q How often did you use your telephone to do gang

1 business with defendant Rivera?

2 A Not every day, but a lot of times.

3 Q Starting when?

4 A Ever since I met him.

5 Q In 2005?

6 A Around there.

7 Q All the way until what date?

8 A Off and on, but all the way up to the last time we  
9 spoke on the phone.

10 Q And every day from 2005?

11 A No. On and off.

12 Q On and off. Did you ever use your telephone to do  
13 gang business with defendant Prieto?

14 A No.

15 Q Why is that?

16 A I never spoke with him on the phone.

17 Q Why?

18 A I just, I didn't have his phone number. He didn't  
19 have my phone number, and we really didn't talk or hang  
20 out unless Carlos was there with us.

21 Q Do you know an individual by the name of Jessica  
22 Medina?

23 A Yes.

24 Q Who is that individual?

25 A Carlos Rivera's kids' mom.

1 Q Have you met her in person before?

2 A Yes.

3 Q How many times?

4 A Several times.

5 Q More than 20?

6 A Maybe around 20.

7 Q Under what circumstances have you interacted with  
8 her?

9 A I have gone over their house. I have gone over  
10 their family's house at barbecues or gettogethers for  
11 Carlos.

12 Q Are you able to recognize her voice?

13 A Yes.

14 Q Have you ever spoken to Jessica Medina on the  
15 telephone?

16 A Yes.

17 Q Did you ever speak with her about drugs on the  
18 telephone?

19 A Yes.

20 Q Do you see Jessica Medina in the courtroom today?

21 A Yes.

22 Q Where is she?

23 A To my right.

24 Q What is she wearing?

25 A A black shirt.

1 MS. EL-AMAMY: Let the record reflect that  
2 defendant has been accurately identified.

3 THE COURT: Yes.

4 Q BY MS. EL-AMAMY: Can you describe the time or times  
5 that you talked to defendant Medina about drugs on the  
6 telephone?

7 A One time when she called me to let me know that  
8 Carlos had gotten taken into custody because they found  
9 methamphetamine.

10 Q Did you talk to her on any other dates about drugs  
11 other than that incident?

12 A No.

13 Q I am going to direct your attention to Exhibit 100  
14 and 100A. We are not actually going to listen to this  
15 call, and so we don't need to go over the transcript for  
16 this.

17 Now, this is a call that has already been  
18 admitted as July 22nd, 2009 that occurred at 9:07 p.m.  
19 and was previously played yesterday with another  
20 individual. Did you listen to this recording prior to  
21 coming to court today?

22 A Yes.

23 Q Did you put your initials on that transcript  
24 indicating that you had listened to it?

25 A Yes.

1 Q When did you listen to this recording?

2 A On October 26, 2012.

3 Q Were you able to recognize the voice, the voice or  
4 voices that you heard?

5 A Yes.

6 Q Who were you able to recognize?

7 A Carlos Rivera.

8 Q Now, just playing for you the first few seconds of  
9 the call to make sure it is what it is you heard.

10 (Tape played.)

11 Q BY MS. EL-AMAMY: Now, did you listen to this  
12 recording previously?

13 A Yes.

14 Q Are you -- who was one of the individuals speaking  
15 in that call?

16 A Carlos Rivera.

17 Q Does the transcript accurately reflect him speaking  
18 and the lines that he was speaking?

19 A Yes.

20 THE COURT: Are we about to leave this exhibit?

21 MS. EL-AMAMY: Yes.

22 THE COURT: Okay. Let's take a break now.

23 All right. Ladies and gentlemen, let's take  
24 our second morning break. 15 minutes. Remember the  
25 admonition please.

1 (Recess from 11:16 to 11:30 a.m.)  
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1 CERTIFICATE  
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5 I hereby certify that pursuant to Section 753, Title 28,  
6 United States Code, the foregoing is a true and correct  
7 transcript of the stenographically reported proceedings held  
8 in the above-entitled matter and that the transcript page  
9 format is in conformance with the regulations of the  
10 Judicial Conference of the United States.

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12 Date: December 6, 2012  
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/s/ Katie Thibodeaux, CSR No. 9858, RPR, CRR